

Special Constables Regulations 1965

SI 1965 No 536

Authority: following the consolidation of the Police Act 1964, s 34, these Regulations have effect as if made under the Police Act 1996, s 51.

Made: 19 March 1965

Laid before Parliament: 26 March 1965

Coming into Operation: 01 April 1965

In exercise of the powers conferred on me by section 34 of the Police Act 1964, I hereby make the following Regulations:—

1 Qualifications for appointment

- (1) A candidate for appointment as a special constable—
 - (a) must, if not a national of the United Kingdom or a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, have leave to enter or remain in the United Kingdom for an indefinite period;
 - (b) must satisfy the chief officer of police that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be determined by the chief officer of police;
 - (c) must have attained the age of 18 years;
 - (d) must be of good character;
 - (e) must be in good health;
 - (f) must (unless he is applying to transfer to the police area from another police area) on being so required by the chief officer give a sample of hair, oral fluid or urine to be tested, in accordance with procedures determined by the Secretary of State, for evidence of such controlled drugs as the Secretary of State may determine.
- (2) For the purposes of this regulation, “national of the United Kingdom” means—
 - (a) a British citizen;
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has the right of abode in the United Kingdom; or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar.

12A Taking of fingerprints and samples prior to appointment

(1) Where a candidate for appointment as a special constable is offered an appointment, the offer shall, unless the candidate is applying to transfer to the police area from another police area, be subject to the following conditions—

- (a) the candidate is required to have fingerprints and a sample taken;
- (b) the candidate must consent to the fingerprints and sample taken being the subject of a speculative search; and
- (c) the chief officer must be satisfied that the candidate is suitable for appointment following the results of the speculative search.

(2) In a case to which paragraph (1) applies, the candidate shall notify the chief officer in writing whether the candidate consents—

- (a) to the taking of fingerprints and a sample; and
- (b) to such fingerprints and sample being the subject of a speculative search.

(3) Where a candidate is appointed as a special constable, upon appointment—

- (a) any fingerprints taken under paragraph (1) shall be treated as if they had been taken under regulation 1A(1); and
- (b) any sample and any information derived from a sample taken under paragraph (1) shall be treated as if the sample had been taken under regulation 1B(1).

(4) In this regulation—

“sample” has the same meaning as in regulation 1B(5);

“speculative search” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984.

12B Business interests precluding appointment

(1) A candidate is not eligible for appointment as a special constable if the candidate or a relative of the candidate has a business interest which is to be retained after appointment, unless the business interest is approved by the chief officer.

(2) For the purposes of this regulation—

(a) a person has a business interest if—

- (i) being a candidate for appointment as a special constable, the person holds any office or employment for hire or gain or carries on any business, or
- (ii) being a candidate for appointment as a special constable or a relative of a candidate, the person holds or possesses a pecuniary interest in a licence or permit granted in pursuance of the law relating to alcohol licensing, refreshment houses or betting and gaming or regulating places of entertainment in the area of the police force in question; and

(b) “relative”, in relation to a candidate for appointment as a special constable, means—

- (i) a spouse or civil partner who is not separated from the candidate,
- (ii) a person living with the candidate as if they were the candidate's spouse or civil partner, or

(iii) a parent, son, daughter, brother or sister of the candidate, who is included in the candidate's family.

1ZC Business interests of special constables: general

(1) Where, in the case of a special constable—

(a) a business interest has been held by the appropriate officer to be incompatible with continued service as a special constable under regulation 1ZD; and

(b) either—

(i) no appeal has been made under regulation 1ZE, or

(ii) such an appeal has been made and the chief officer has upheld the decision of the appropriate officer,

the decision of the appropriate officer shall be regarded as a lawful order for the purposes of the standards of professional behaviour set out in the Schedule to the Police (Conduct) Regulations 2008 and, in the event of any failure to abide by the decision, those Regulations shall apply as though the appropriate authority had determined under regulation 19(4) of those Regulations that the special constable had a case to answer in respect of gross misconduct.

(2) For the purposes of this regulation and regulations 1ZD and 1ZE a person has a business interest if—

(a) being a special constable, the person holds any office or employment for hire or gain (otherwise than as a special constable) or carries on any business; or

(b) being a special constable or a relative of a special constable, the person holds or possesses a pecuniary interest in a licence or permit granted in pursuance of the law relating to alcohol licensing, refreshment houses or betting and gaming or regulating places of entertainment in the police area in question.

(3) Functions of the chief officer under this regulation and regulations 1ZD and 1ZE may be exercised only—

(a) by the chief officer personally; or

(b) by an acting chief officer.

(4) A special constable may choose—

(a) another special constable;

(b) a member of a police force;

(c) a police staff member, or

(d) a person nominated by the member's staff association,

who is not otherwise involved in the matter to act as the special constable's police friend in relation to the procedures set out in regulations 1ZD and 1ZE.

(5) A police friend may—

- (a) advise the special constable concerned throughout the procedures set out in regulations 1ZD and 1ZE;
- (b) accompany the special constable concerned to any meeting held under regulation 1ZD or 1ZE; and
- (c) make representations on the special constable's behalf at any such meeting,

and a chief officer shall permit a police friend who is under the chief officer's direction and control to use a reasonable amount of duty time for these purposes.

(6) In this regulation and regulations 1ZD and 1ZE—

“acting chief officer” means—

- (a) a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011;
- (b) a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or
- (c) a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;

“appropriate officer” means a person serving in the part of the police force responsible for the maintenance of standards of professional behaviour who has been authorised by the chief officer to exercise functions under regulation 1ZD;

“police staff member” means—

- (a) a member of the civilian staff of a police force (within the meaning of section 102(4) and (6) of the Police Reform and Social Responsibility Act 2011); or
- (b) an employee of the Common Council of the City of London who is under the direction and control of the Commissioner of the City of London Police;

“relative”, in relation to a special constable, means—

- (a) a spouse or civil partner who is not separated from the special constable;
- (b) a person living with the special constable as if they were the special constable's spouse or civil partner; or
- (c) a parent, son, daughter, brother or sister of the special constable,

who is included in the special constable's family.

1ZD Business interests of special constables: notification and determination

(1) If a special constable—

- (a) has or proposes to have a business interest which has not previously been disclosed; or
- (b) is or becomes aware that a relative has or proposes to have a business interest which, in the opinion of the special constable, interferes or could be seen as interfering with the impartial discharge of the special constable's duties and has not previously been disclosed,

the special constable shall immediately give written notice of that business interest to the chief officer.

(2) On receipt of a notice given under paragraph (1), the chief officer shall direct the appropriate officer to decide whether or not the business interest is compatible with the special constable concerned remaining a special constable.

(3) In deciding whether the business interest is compatible with the special constable concerned remaining a special constable, the appropriate officer shall have regard to whether, as a result of the business interest, the special constable's conduct fails or would fail to meet the standards of professional behaviour set out in the Schedule to the Police (Conduct) Regulations 2008.

(4) Where the appropriate officer is minded to decide that the business interest is not compatible with the special constable concerned remaining a special constable, or is not so compatible unless conditions are imposed, the appropriate officer shall—

- (a) notify the special constable in writing of this preliminary view and the reasons for it;
- (b) give the special constable the opportunity to make representations in writing, at a meeting, or both, at the discretion of the special constable; and
- (c) take any such representations into account.

(5) Whether or not notification is given under paragraph (4), the appropriate officer shall, within 28 days of receipt of the notice given under paragraph (1), notify the special constable concerned in writing of the appropriate officer's decision in relation to the business interest.

(6) Where the decision is that the business interest is compatible with the special constable concerned remaining a special constable, the notification under paragraph (5) may include a requirement for the special constable to furnish particulars of changes in the business interest, as respects its nature, extent or otherwise.

(7) Where the decision is that the business interest is not compatible with the special constable concerned remaining a special constable, or is not so compatible unless conditions are imposed, the notification under paragraph (5) shall—

- (a) include a statement of the reasons for the decision;
- (b) be accompanied by copies of any document on which the appropriate officer relies in support of the decision, and
- (c) inform the special constable of the existence of the right of appeal under regulation 1ZE.

(8) Where a special constable is required to furnish particulars of changes in a business interest under paragraph (6), then in the event of any such change being proposed or occurring this regulation shall have effect as though the changed business interest were a newly proposed or newly acquired business interest.

1ZE Business interests of special constables: appeal

(1) Within 10 days of being notified of an appropriate officer's decision under regulation 1ZD(5), or within such longer period as the chief officer may in all the circumstances allow, a special constable may appeal against that decision by sending written notice to the chief officer.

(2) On receiving notice of appeal under paragraph (1) the chief officer shall—

- (a) give the special constable the opportunity to make representations in writing, at a meeting, or both, at the discretion of the special constable; and

- (b) take any such representations into account.
- (3) The chief officer shall decide the appeal unless it appears to the chief officer that—
 - (a) the special constable has adduced substantive reasons why he should be permitted to have the business interest, or why conditions should not be imposed, which were not considered by the appropriate officer; or
 - (b) the appropriate officer failed to apply fair procedures,
 in which case the chief officer may direct the appropriate officer to decide the matter again under regulation 1ZD.
- (4) Subject to paragraph (5), the chief officer shall, within 28 days of receipt of the notice of appeal under paragraph (1), notify the special constable concerned in writing of the outcome of the appeal and provide a statement of the reasons for the decision.
- (5) The chief officer may extend the period specified in paragraph (4), where the chief officer considers that it would be in the interests of justice to do so.
- (6) Where the chief officer decides to extend the period under paragraph (5), the chief officer shall provide written notification of the reasons for that decision to the special constable concerned.

1A Fingerprints

- (1) Subject to paragraph (4) every special constable shall in accordance with the directions of the chief officer have his fingerprints taken.
- (2) Fingerprints of special constables taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph or regulation 18(1) of the Police Regulations 2003.
- (3) The fingerprints of a special constable taken in accordance with paragraph (1) or regulation 18(1) of the Police Regulations 2003 and all copies and records of those fingerprints shall be destroyed on his ceasing to be a special constable for the police area for which he is appointed, except that—
 - (a) if on his ceasing to be a special constable he becomes a member of the police force maintained for that area, his fingerprints shall be kept in accordance with regulation 18(2) of the Police Regulations 2003, and
 - (b) if on his ceasing to be a special constable for that police area he becomes a member of another police force or is appointed as a special constable for another police area, his fingerprints and all copies and records of those fingerprints shall be transferred to the chief officer of that other police force and kept in accordance with regulation 18(2) of the Police Regulations 2003 or paragraph (2) as the case may be.
- (4) A special constable who was required to have fingerprints taken under regulation 1ZA(1) shall not also be required to have his fingerprints taken under paragraph (1).

1B Samples

- (1) Every special constable must provide a sample when directed to do so by the chief officer and in accordance with any such direction.
- (2) Samples or the information derived from samples of special constables taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with section 63 of the Police and Criminal Evidence Act 1984.
- (2A) Samples or the information derived from samples of special constables taken in accordance with this regulation (or treated as if so taken, by virtue of regulation 1ZA(3)(b)) may be checked against samples or the information derived from samples taken in accordance with the Police and Criminal Evidence Act 1984 or recovered from scenes of crime.
- (3) The samples taken from a special constable in accordance with this regulation shall be destroyed before the end of the period of six months beginning with the date on which they were taken.
- (3A) The information derived from samples of a special constable taken in accordance with this regulation, and all copies and records thereof shall be destroyed within 12 months of that special constable ceasing to be a special constable for that police area except that—
- (a) if, on ceasing to be a special constable, the person becomes a member of the police force maintained for that area, the samples or information derived from samples shall be kept in accordance with regulation 19(2) of the Police Regulations 2003; and
 - (b) if, on ceasing to be a special constable for that police area, the person is appointed as a special constable for another police area or is appointed as a member of a police force maintained for another police area, the samples or information derived from samples shall be transferred to the chief officer in that other police area and kept in accordance with paragraph (2) or regulation 19(2) of the Police Regulations 2003, as the case may be.
- (4) ...
- (5) In this regulation “sample” means—
- (a) a sample of hair, other than pubic hair, complete with roots;
 - (b) oral fluid; or
 - (c) a swab taken from the mouth,

and for these purposes “oral fluid” includes saliva.

1C Testing for substance misuse

- (1) The chief officer of police may require any special constable who—
- (a) gives the chief officer reasonable cause to suspect that he has used a controlled drug;
 - (b) has been identified by the chief officer as being vulnerable because of a specific responsibility for dealing with drugs; or
 - (c) is selected in accordance with a regime of routine random testing;

to give a sample of oral fluid or urine to be tested for evidence of controlled drugs in accordance with procedures determined by the Secretary of State.

(2) The chief officer may require a special constable who falls within paragraph (1)(c) to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.

(3) A special constable who—

(a) on giving a sample under paragraph (1) is found to have taken a controlled drug specified in a determination of the Secretary of State; or

(b) on giving a sample under paragraph (2), is found to have more than 13 microgrammes of alcohol in 100 millilitres of breath,

shall face such consequences as are specified in that determination.

3 Retirement

(1) A special constable may retire subject to his having given to the chief constable a month's written notice of his intention to retire or such shorter notice as may have been accepted by the chief constable. . . .

(2) The chief constable may require a special constable to retire on such date as he may specify—

(a) on account of age;

(b) on the grounds that he is disabled to perform the ordinary duties of a special constable and the disablement is likely to be permanent, or

(c) as an alternative to dismissal, where he has been remiss or negligent in the discharge of his duty or otherwise unfit for the same.

4 Expenses and allowances

(1) A special constable may be reimbursed any out-of-pocket expenses reasonably incurred by him in the execution of his duty or paid an allowance in lieu of such reimbursement.

(2) A special constable may be paid an allowance—

(a) in respect of loss of remuneration in his private employment while required for duty, or

(b) in respect of such other matters as the local policing body for the area may from time to time approve.

(3) An allowance paid under this Regulation shall be of such amount and subject to such conditions as the local policing body for the area may from time to time approve.

(4) Except as provided in these Regulations, a special constable shall not be entitled to any remuneration in respect of his services as such.

5 Sick pay

(1) Where a special constable loses remuneration in his private employment in consequence of an injury received or disease contracted—

- (a) in the execution of his duty, or
- (b) while on duty or while on a journey necessary to enable him to report for duty or to return home after duty,

he shall be entitled to an allowance by way of sick pay, as hereinafter provided.

(2) The sick pay shall be payable for so long as the special constable continues to lose remuneration in his private employment or for a period of 28 weeks, whichever is the less; and, subject to paragraph (3) of this Regulation, the rate thereof shall be the rate of such loss of remuneration.

(3) There shall be deducted from the sick pay an amount equal to the amount of any of the following to which the special constable is entitled, that is to say—

- (a) any sickness benefit under the Social Security Act 1975, or
- (b) any statutory sick pay under the Social Security and Housing Benefits Act 1982.

5A Special Constables' Allowance

(1) A local policing body may, following a recommendation of the chief officer of police . . . , undertake to make payments (referred to in this regulation as a Special Constables' Allowance) at a rate set by the local policing body to all or any number of special constables appointed for their area.

(2) . . .

(3) . . .

(4) Different rates of Special Constables' Allowance may be paid under this regulation to different special constables appointed within a police area.

6 Interpretation

(1) In these Regulations the expression “special constable” means a special constable appointed for a police area in England and Wales and a reference to duty is a reference to duty as such a special constable.

(2) In these Regulations a reference to the chief constable or deputy chief constable is, in relation to a special constable, a reference to the chief constable or, as the case may be, the deputy chief constable for the area for which the special constable is appointed, except that, in relation to a special constable appointed for the metropolitan police district or the City of London, such a reference shall be construed as a reference to the commissioner of police or an assistant commissioner of police of the metropolis or, as the case may be, City of London.

(3) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

7 Revocations

- (1) The Orders specified in the Schedule to this Order are hereby revoked.
- (2) Section 38 of the Interpretation Act 1889 shall apply in relation to the said Orders as if this Regulation were an Act of Parliament and the said Orders were Acts of Parliament repealed by an Act of Parliament.

8 Citation and commencement

These Regulations may be cited as the Special Constables Regulations 1965 and shall come into operation on 1st April 1965.