
STATUTORY INSTRUMENTS

2015 No. 461

POLICE, ENGLAND AND WALES

The Special Constables (Amendment) Regulations 2015

Made - - - - *27th February 2015*
Laid before Parliament *5th March 2015*
Coming into force - - *1st April 2015*

The Secretary of State, in exercise of the powers conferred by section 51 of the Police Act 1996⁽¹⁾, makes the following Regulations.

In accordance with section 51(2ZD)(2) of that Act, and in so far as these Regulations relate to the matters identified in section 51(2ZB)(3), the text of these Regulations has been approved by the College of Policing.

Citation and commencement

1. These Regulations may be cited as the Special Constables (Amendment) Regulations 2015 and come into force on 1st April 2015.

Amendments to the Special Constables Regulations 1965

2. The Special Constables Regulations 1965⁽⁴⁾ (“the 1965 Regulations”) are amended as follows.

3. In regulation 1B—

(a) for paragraph (1), substitute—

“(1) Every special constable must provide a sample when directed to do so by the chief officer and in accordance with any such direction.”;

(b) after paragraph (2), insert—

“(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

(1) 1996 c. 16. Section 51 was amended by section 128 of the Police Act 1997 (c. 50), section 35 of the Police Reform Act 2002 (c. 30), paragraph 4 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4), paragraph 33 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 24 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25), and by section 123 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Section 123 was the subject of a correction slip published on 4th August 2014.

(2) Section 51(2ZD) was inserted by section 123(2) of the Anti-social Behaviour, Crime and Policing Act 2014.

(3) section 51(2ZB) was inserted by section 123(2) of the Anti-social Behaviour, Crime and Policing Act 2014.

(4) S.I. 1965/536, as amended by S.I. 1992/1526, S.I. 1992/1641, S.I. 2002/3180, S.I. 2004/645, S.I. 2006/2278, S.I. 2007/1162, S.I. 2011/3058, and S.I. 2012/1961.

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⁽⁵⁾ or recovered from scenes of crime.”;

(c) for paragraph (3), substitute—

“(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⁽⁶⁾; 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.”;

(d) omit paragraph (4).

4. In regulation 4—

(a) in paragraph (2), for “Secretary of State”, substitute “local policing body for the area”;

(b) in paragraph (3), for “Secretary of State”, substitute “local policing body for the area”.

5. In regulation 5A—

(a) in paragraph (1), omit “and with the approval of the Secretary of State”;

(b) omit paragraphs (2) and (3).

Transitional provisions

6. Any approval given by the Secretary of State under regulation 4 of the 1965 Regulations which is in force immediately before the coming into force of these Regulations is—

(a) to be treated as having been given by every local policing body; and

(b) capable of being amended or withdrawn in relation to any police area by the local policing body for that area.

27th February 2015

Mike Penning
Minister of State
Home Office

⁽⁵⁾ 1984 c. 60.

⁽⁶⁾ S.I. 2003/527, as amended by S.I. 2012/680 and S.I. 2012/1960.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Constables Regulations 1965 (“the 1965 Regulations”).

Regulation 3 amends regulation 1B of the 1965 Regulations in order to enable Chief Officers to require DNA samples to be taken from special constables, and not just from candidates for appointment as was the case before these Regulations came into force.

The samples are to be used for elimination purposes – in other words, for the purposes of establishing that a sample recovered from a crime scene does not originate from a special constable dealing with the crime. This includes checking DNA profiles recovered from crime scene samples against the profiles of individual special constables, and also wholesale checking of the database of special constables’ profiles against the National DNA Database.

Individual samples will be destroyed 12 months after the relevant special constable ceases to be appointed as a special constable for a police area, except where they are appointed as a special constable in another police area, or where they become a member of a police force for that area or another police area.

Regulation 4 amends regulation 4 of the 1965 Regulations to permit local policing bodies to approve the matters in respect of which special constables may be paid allowances, and to permit the local policing body for an area to decide the amount of those allowances and what if any conditions to make the payment of the allowances subject to. Regulation 5A is amended to remove the requirement for the approval of the Secretary of State before payments may be made by local policing bodies to special constables, and consequential amendments are made to paragraphs (2) and (3) of that regulation.

Regulation 5 amends regulation 5A of the 1965 Regulations with the effect that the approval of the Secretary of State is no longer required before local policing bodies may make payments to special constables.

Regulation 6 provides transitional provision with the effect that any approvals by the Secretary of State, under regulation 4 of the 1965 Regulations, in force immediately before these Regulations come into force shall be treated as having been given by the local policing body for every police area immediately after these Regulations come into force. A local policing body for a police area may amend or withdraw that approval at any time after the coming into force of these Regulations.