1971 No. 683 (S.94)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1971

Made - - -	*22nd April* 1971
Laid before Parliament	*30th April* 1971
Coming into Operation	*1st May* 1971

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967(**a**), and of all other powers enabling me in that behalf, and after consulting the Police Council for the United Kingdom in accordance with section 4(4) of the Police Act 1969(**b**), I hereby make the following regulations :—

PART I

Citation, Commencement and Interpretation

1. These regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1971.

2.—(1) These regulations shall come into operation on 1st May 1971, and shall have effect as follows, that is to say—

(*a*) for the purposes of Part II thereof, as from 1st September 1970 ; and

(*b*) for the purposes of Part III thereof, as from 1st October 1970.

(2) Notwithstanding anything in Part II of these regulations, the amount of a temporary duty allowance (within the meaning of regulation 56 of the principal regulations) in respect of duty performed before 1st May 1971 shall not be less than it would have been had these regulations not been made.

3. In these regulations any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1968(**c**), as amended (**d**).

4. The Interpretation Act 1889(**e**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

Provisions taking effect as from 1st September 1970

5.—(1) For Schedule 3 to the principal regulations (which relates to scales of pay) there shall be substituted the Schedule set out in Appendix I to these regulations.

(**a**) 1967 c. 77. (**b**) 1969 c. 63. (**c**) S.I. 1968/716 (1968 II, p. 2024).
(**d**) The relevant amending instruments are S.I. 1968/1963, 1969/168, 927, 1970/425, 1971/196, (1968 III, p. 5363; 1969 I, p. 429; II, p. 2805; 1970 I, p. 1462; 1971 I, p. 574). (**e**) 1889 c. 63.

(2) For the Tables designated A and B in Schedule 4 to the principal regulations (which relates to detective duty and supplementary detective allowances) there shall be substituted, respectively, the Tables so designed and set out in Appendix 2 to these regulations.

PART III

Provisions taking effect as from 1st October 1970

6.—(1) In paragraph (7) of regulation 50 of the principal regulations (which relates to motor vehicle allowances) for the figure "5" there shall be substituted the figure "6".

(2) Paragraph (8) of the said regulation 50 shall be deleted.

(3) For Schedule 6 to the principal regulations (which relates to motor vehicle allowances) there shall be substituted the Schedule set out in Appendix 3 to these regulations.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
22nd April 1971.

APPENDIX 1

SCHEDULE SUBSTITUTED FOR SCHEDULE 3 TO THE PRINCIPAL REGULATIONS WITH EFFECT FROM 1ST SEPTEMBER 1970

"SCHEDULE 3

Regulation 28

SCALES OF PAY

PART I

MEN

1. The annual pay of a man holding a rank referred to in the following Table shall be determined in accordance with the appropriate scale set out in Table A:—

TABLE A

Rank	Before completing 1 year of service in the rank	After 1 year of service in the rank	After 2 years of service in the rank	After 3 years of service in the rank
	a year	a year	a year	a year
Chief Inspector ...	£2,310	£2,385	£2,460	£2,535
Inspector	£2,019	£2,094	£2,169	£2,244
Sergeant	£1,716	£1,782	£1,848	£1,914

2.—(1) The annual pay of a man holding the rank of constable shall, subject as hereinafter provided, be determined in accordance with the scales set out in the following Table B.

(2) The annual pay of a man holding the rank of constable shall be determined by reference to his reckonable service in accordance with the standard scale set out in the second column of the Table except that this sub-paragraph shall not apply where he was serving as a constable immediately before 1st May 1971 and has so served continuously on and after that date; and in such case his annual pay shall be determined in accordance with sub-paragraph (3).

(3) Where sub-paragraph (2) does not apply, the annual pay of a man holding the rank of constable shall be determined by reference to his reckonable service in accordance with the transitional scale, appropriate to his age on the date on which he became a constable, set out in the third, fourth, fifth or sixth column of the Table:

Provided that in a case in which the provisions of sub-paragraph (4) or of sub-paragraphs (5) and (6) apply, this sub-paragraph shall have effect subject to the provisions in question.

(4) The provisions of this sub-paragraph shall apply in the case of a man who has not served continuously as a constable since he first became a constable and in such case the man shall be treated for the purposes of sub-paragraph (3) and the transitional scales set out in the Table as if he had become a constable on such date that, if he had served continuously as a constable, he would have the same reckonable service as he in fact has.

(5) The provisions of this sub-paragraph and of sub-paragraph (6) shall apply in the case of a man who has served continuously as a constable since he first became a constable unless he is a man whose period of reckonable service began—

(*a*) on a birthday;

(*b*) after 1st March 1967, if he had attained the age of 22 years before his period of reckonable service began, or

(*c*) on or before 1st March 1967, if he had attained the age of 22 years on or before that date and—

(i) had not completed a year's, or 2 or 3 years', reckonable service on a day in the year ending immediately before that date, being a day falling after his birthday in that year, or

(ii) had not completed a year's reckonable service or had completed 4 or more years' reckonable service on or before 1st March 1967;

and a man to whom this sub-paragraph applies who has had one or more birthdays falling within his period of reckonable service shall be treated for the purposes of sub-paragraph (3) and the transitional scales set out in the Table as if he had completed a year of such service on the date of his first birthday falling within that period.

(6) The annual pay of a man to whom sub-paragraph (5) applies who, by virtue thereof, is treated as having completed 2 years of reckonable service shall be restricted until he in fact completes 2 years of such service—

(*a*) if he had not attained the age of 21 years on or before the date on which he first became a constable, to £1,146;

(*b*) subject as aforesaid, to £1,200.

(7) For the purposes of this paragraph—

(*a*) any reference to a man's reckonable service is a reference to his service reckonable for the purposes of his scale of pay;

(*b*) any reference to a man's birthday is a reference to an anniversary of the day of his birth, and

(*c*) in determining whether or not a man has served continuously as a constable there shall be disregarded any break in service occurring on transfer from one police force to another or which ends with the man exercising a statutory right of reversion to his police force.

TABLE B

Reckonable or adjusted service	Standard scale of annual pay	Transitional scales of annual pay			
		Aged 19 on entry	Aged 20 on entry	Aged 21 on entry	Aged 22 or over on entry
Before completing 1 year of service	£1,023	£1,023	£1,047	£1,089	£1,140
After 1 year of service ...	£1,080	£1,080	£1,095	£1,146	£1,197
After 2 years of service...	£1,194	£1,194	£1,194	£1,251	£1,287
After 3 years of service ...	£1,251	£1,251	£1,251	£1,308	£1,344
After 4 years of service ...	£1,308	£1,308	£1,308	£1,383	£1,401
After 5 years of service ...	£1,383	£1,383	£1,383	£1,383	£1,458
After 6 years of service ...	£1,458	£1,458	£1,458	£1,458	£1,533
After 7 years of service ...	£1,458	£1,458	£1,458	£1,533	£1,533
After 8 years of service ...	£1,458	£1,458	£1,533	£1,533	£1,533
After 9 years of service ...	£1,533	£1,533	£1,533	£1,533	£1,533
After 13 years of service	£1,608	£1,608	£1,608	£1,608	£1,608
After 17 years of service	£1,683	£1,683	£1,683	£1,683	£1,683

PART II

WOMEN

1. The annual pay of a woman holding a rank referred to in the following Table shall be determined in accordance with the appropriate scale set out in Table A:—

TABLE A

Rank	Before completing 1 year of service in the rank	After 1 year of service in the rank	After 2 years of service in the rank	After 3 years of service in the rank
	a year	a year	a year	a year
Chief Inspector ...	£2,079	£2,148	£2,217	£2,286
Inspector	£1,818	£1,887	£1,956	£2,025
Sergeant	£1,545	£1,605	£1,665	£1,725

2.—(1) The annual pay of a woman holding the rank of constable shall, subject as hereinafter provided, be determined in accordance with the scales set out in the following Table B.

(2) The annual pay of a woman holding the rank of constable shall be determined by reference to her reckonable service in accordance with the standard scale set out in the second column of the Table except that this sub-paragraph shall not apply where she was serving as a constable immediately before 1st May 1971 and has so served continuously on and after that date ; and in such case her annual pay shall be determined in accordance with sub-paragraph (3).

(3) Where sub-paragraph (2) does not apply, the annual pay of a woman holding the rank of constable shall be determined by reference to her reckonable service in accordance with the transitional scale, appropriate to her age on the date on which she became a constable, set out in the third, fourth, fifth or sixth column of the Table:

Provided that in a case in which the provisions of sub-paragraph (4) or of sub-paragraphs (5) and (6) apply, this sub-paragraph shall have effect subject to the provisions in question.

(4) The provisions of this sub-paragraph shall apply in the case of a woman who has not served continuously as a constable since she first became a constable and in such case the woman shall be treated for the purposes of sub-paragraph (3) and the transitional scales set out in the Table as if she had become a constable on such date that, if she had served continuously as a constable, she would have the same reckonable service as she in fact has.

(5) The provisions of this sub-paragraph and of sub-paragraph (6) shall apply in the case of a woman who has served continuously as a constable since she first became a constable unless she is a woman whose period of reckonable service began—

(*a*) on a birthday ;

(*b*) after 1st March 1967, if she had attained the age of 22 years before her period of reckonable service began, or

(*c*) on or before 1st March 1967, if she had attained the age of 22 years on or before that date and—

(i) had not completed a year's, or 2 or 3 years', reckonable service on a day in the year ending immediately before that date, being a day falling after her birthday in that year, or

(ii) had not completed a year's reckonable service or had completed 4 or more years' reckonable service on or before 1st March 1967 ;

and a woman to whom this sub-paragraph applies who has had one or more birthdays falling within her period of reckonable service shall be treated for the purposes of sub-paragraph (3) and the transitional scales set out in the Table as if she had completed a year of such service on the date of her first birthday falling within that period.

(6) The annual pay of a woman to whom sub-paragraph (5) applies who, by virtue thereof, is treated as having completed 2 years of reckonable service shall be restricted until she in fact completes 2 years of such service—

(*a*) if she had not attained the age of 21 years on or before the date on which she first became a constable, to £1,032 ;

(*b*) subject as aforesaid, to £1,080.

(7) For the purposes of this paragraph—

(*a*) any reference to a woman's reckonable service is a reference to her service reckonable for the purposes of her scale of pay ;

(*b*) any reference to a woman's birthday is a reference to an anniversary of the day of her birth, and

(*c*) in determining whether or not a woman has served continuously as a constable there shall be disregarded any break in service occurring on transfer from one police force to another or which ends with the woman exercising a statutory right of reversion to her police force.

TABLE B

Reckonable or adjusted service	Standard scale of annual pay	Transitional scales of annual pay			
		Aged 19 on entry	Aged 20 on entry	Aged 21 on entry	Aged 22 or over on entry
Before completing 1 year of service	£921	£921	£945	£981	£1,026
After 1 year of service ...	£972	£972	£987	£1,032	£1,077
After 2 years of service ...	£1,077	£1,077	£1,077	£1,128	£1,158
After 3 years of service ...	£1,128	£1,128	£1,128	£1,179	£1,209
After 4 years of service ...	£1,179	£1,179	£1,179	£1,245	£1,260
After 5 years of service ...	£1,245	£1,245	£1,245	£1,245	£1,311
After 6 years of service ...	£1,311	£1,311	£1,311	£1,311	£1,380
After 7 years of service ...	£1,311	£1,311	£1,311	£1,380	£1,380
After 8 years of service ...	£1,311	£1,311	£1,380	£1,380	£1,380
After 9 years of service ...	£1,380	£1,380	£1,380	£1,380	£1,380
After 13 years of service	£1,449	£1,449	£1,449	£1,449	£1,449
After 17 years of service	£1,518	£1,518	£1,518	£1,518	£1,518

"

APPENDIX 2

TABLES SUBSTITUTED FOR TABLES IN SCHEDULE 4 TO THE PRINCIPAL REGULATIONS (DETECTIVE DUTY AND SUPPLEMENTARY DETECTIVE ALLOWANCES) WITH EFFECT FROM 1ST SEPTEMBER 1970

"TABLE A

Rank	Men	Women
Chief Inspector	£243	£219
Inspector	£213	£192
Sergeant	£183	£165
Constable	£135	£123

TABLE B

Rank	8 to 12 hours qualifying overtime		12 or more hours qualifying overtime	
	Men	Women	Men	Women
Chief Inspector ...	£201	£183	£363	£330
Inspector	£177	£159	£318	£285
Sergeant	£153	£138	£276	£249
Constable	£111	£102	£201	£183

"

APPENDIX 3

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE PRINCIPAL REGULATIONS WITH EFFECT FROM 1ST OCTOBER 1970

"SCHEDULE 6

Regulation 50

MOTOR VEHICLE ALLOWANCES IN RESPECT OF MOTOR CARS

1. Subject as hereinafter provided, the amount of a motor vehicle allowance shall be the standard amount calculated by reference to Table A or C of the following Tables except that it shall be the abated amount calculated by reference to Table B or D where it falls to be calculated by reference to completed months of authorised use beginning, or mileage of authorised use performed, at a time that the constable concerned was—

(*a*) provided with a garage free of rent and rates, or

(*b*) in receipt of a maximum limit rent allowance which was less than the maximum limit applicable in his case and the house or accommodation occupied by him included a garage;

and references in paragraph 2 or 3 to the appropriate Table shall be construed accordingly.

2.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise—

(*a*) a fixed element calculated, by reference to the number of completed months comprised in the period of authorised use in that year, at the annual rate set opposite the cylinder capacity of the motor car in question in the second column of the following Table A or B, as may be appropriate, or, in the case of a motor car of a cylinder capacity of 1,700 c.c. or more, at such annual rate as is approved by the Secretary of State, and

(*b*) a mileage element calculated, in relation to the first 7,200 miles of authorised use in that year, at the basic rate so set out in the third column of the said Table and, in relation to any further authorised use in that year, at the reduced rate so set out in the fourth column of the said Table or, in the case of a motor car of a cyclinder capacity of 1,700 c.c. or more, at such basic and reduced rates, respectively, as are approved by the Secretary of State:—

TABLE A

STANDARD AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	102·000	0·036	0·022
1,000 c.c. or more but less than 1,200 c.c.	90·000	0·032	0·019
Less than 1,000 c.c.	81·000	0·028	0·017

TABLE B

ABATED AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	87·000	0·034	0·022
1,000 c.c. or more but less than 1,200 c.c.	78·000	0·030	0·019
Less than 1,000 c.c.	69·000	0·026	0·017

(2) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine; but when the amount of the allowance for that year is finally calculated, any overpayment shall be recoverable.

(3) Where in any year a motor vehicle allowance is payable at the essential user's rate to a constable and he is on sick leave, or the motor car in question is out of order, for a continuous period of 4 or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Secretary of State, determines to be appropriate in all the circumstances.

(4) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, subparagraph (1)(*b*) shall have effect as if for the reference to 7,200 miles there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.

3. The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate set out opposite the cylinder capacity of the motor car in question in the second column of the following Table C or D, as may be

appropriate, or, in the case of a motor car of a cylinder capacity of 1,700 c.c. or more, at such rate as is approved by the Secretary of State ; except that, where the amount of the allowance would be less if it were payable at the essential user's rate, it shall be of an amount calculated in accordance with paragraph 2:—

TABLE C

STANDARD AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·067
1,000 c.c. or more but less than 1,200 c.c.	0·059
Less than 1,000 c.c.	0·053

TABLE D

ABATED AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·061
1,000 c.c. or more but less than 1,200 c.c.	0·054
Less than 1,000 c.c.	0·048

4. The amount of a motor vehicle allowance payable to a constable shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity as the chief constable, with the approval of the police authority, has determined to be appropiate for use for the purposes of the duties normally performed by the constable concerned.

5. The amount of a motor vehicle allowance payable to a constable may be increased by such amount as is approved by the Secretary of State in circumstances to be determined by the Secretary of State where exceptional expense is incurred by the constable in the authorised use of a motor vehicle owned by him.

6. For the purposes of regulation 50 and of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

"authorised use" means the use, authorised under regulation 50, of a motor vehicle owned by the constable of a police force concerned for the purposes of his duties as a constable of that force or, where he has been statutorily transferred from one force to another force, as a constable of either of those forces, and "period of authorised use" means the period during which such use is so authorised ;

"cylinder capacity" means the cylinder capacity of the engine of a vehicle calculated in accordance with the regulations from time to time in force under the Vehicles (Excise) Act 1962(a) ;

"motor bicycle" means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar) ;

(a) 1962 c. 13.

"motor car" means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle ;

"year" means a period of 12 months beginning on 1st May ;

and a reference to a motor vehicle owned by a constable is a reference to such a vehicle kept and used by him."

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1968.

Part II relates to the emoluments of constables below the rank of superintendent. It has effect as from 1st September 1970. Regulation 5(1) increases rates of pay. Regulation 5(2) provides for increases in detective duty and supplementary detective allowances.

Part III relates to the rates of motor vehicle allowances. It has effect as from 1st October 1970. Regulation 6(1) is consequential to the effect of Regulation 6(3). Regulation 6(2) deletes Regulation 50(8) of the 1968 Regulations as otiose. Regulation 6(3) increases the rates of the allowances and makes provision for both standard and abated allowances. An abated allowance is payable where, for example, the recipient is provided with a garage free of rent and rates (paragraph 1 of Schedule 6).

The provision that Parts II and III shall have retrospective effect is contained in Regulation 2 (made in exercise of the power conferred by section 26(3) of the Police (Scotland) Act 1967) ; the amount of a temporary duty allowance (which depends, in part, upon differences between scales of pay for different ranks) is not to be adversely affected retrospectively (Regulation 2(2)).