STATUTORY INSTRUMENTS

1973 No. 391 (S.26)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1973

Made - - - -	*5th March* 1973
Laid before Parliament	*13th March* 1973
Coming into Operation	*1st April* 1973

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 section4(4) of the Police Act 1969**(b)**, I hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT, OPERATION AND INTERPRETATION

1. These regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1973.

2. These regulations shall come into operation on 1st April 1973, and shall have effect as follows, that is to say—

(*a*) for the purposes of Part II thereof, as from 1st September 1972;

(*b*) for the purposes of Part III thereof, as from 1st April 1973, and

(*c*) for the purposes of Part IV thereof, as from 6th April 1973.

3. In these regulations any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1972**(c)**, as amended **(d)** except that such a reference in Part II of these regulations is a reference to the said regulations of 1972, as originally made.

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.

(a) 1967 c. 77. **(b)** 1969 c. 63.

(c) S.I. 1972/777 (1972 II, p. 2490).

(d) S.I. 1972/1206, 1973/119 (1972 II, p. 3573; 1973 I, p. 516).

(e) 1889 c. 63.

PART II

PROVISIONS HAVING EFFECT AS FROM 1ST SEPTEMBER 1972

5.—(1) This regulation shall apply in the case of a constable below the rank of superintendent who on a date falling within the period beginning with 1st September 1972 and ending immediately before 23rd February 1973 completed a full tour of night duty which ended at any time after 2 a.m. and before 10 a.m., was recalled to duty before 9½ hours had elapsed from the time when such tour of duty ended and was entitled under regulation 22 of the principal regulations to be compensated for overtime worked on that occasion, where his period of overtime for the purposes of the said regulation 22 was less than that period would have been had sub-paragraph (3)(*e*) of the said regulation been amended as follows, that is to say—

(*a*) the words "disregarding any overtime reckonable by virtue of sub-paragraph (*d*)" had been inserted after the words "16 units of overtime" in the first place where they occur, and

(*b*) the words "together with any units of overtime reckonable by virtue of sub-paragraph (*d*)" had been inserted after the words "16 units of overtime" in the second place where they occur, and, in this regulation, the deficiency is referred to as the extra period of duty.

(2) Such a constable shall be granted, if and as soon after 1st April 1973 as the exigencies of duty permit, time off equal to 1½ times the period of completed quarters of an hour included in his extra period of duty in respect of each such day.

(3) Where, in respect of overtime worked on such a day such a constable was granted an allowance under the said regulation 22 or would have been granted an allowance but for the grant of time off thereunder then, if in the opinion of the chief constable the exigencies of duty do not permit the grant of time off under the immediately preceding paragraph before 1st May 1973, the constable shall be granted in lieu of time off an allowance at the rate of a twenty-fourth of a day's pay for each quarter of an hour included in his extra period of duty in respect of that day.

(4) This regulation shall be construed as one with regulation 22 of the principal regulations.

6.—(1) This regulation shall apply in the case of a constable below the rank of superintendent who was required to do duty on a day falling within the period beginning with 1st September 1972 and ending immediately before 23rd February 1973, being a day which was a public holiday or would otherwise have been a rest day, where his period of duty on that day for the purposes of regulation 23 of the principal regulations, was less than that period would have been had—

(*a*) the figure "16" been substituted for the figure "8" in both places where it occurred in paragraph (5)(*c*) of the said regulation and

(*b*) the figure "6" been substituted for the figure "4" in paragraph (5)(*h*) of the said regulation;

and, in this regulation, the deficiency is referred to as the extra period of duty.

(2) Such a constable shall be granted, if and as soon after 1st April 1973 as

the exigencies of duty permit, time off equal to 1½ times the period of completed quarters of an hour included in his extra period of duty in respect of each such day.

(3) If in the opinion of the chief constable the exigencies of duty do not permit the grant of time off under the last preceding paragraph before 1st May 1973, such a constable shall be granted in lieu of time off an allowance at the rate of 3 sixty-fourths of a day's pay for each quarter of an hour included in his extra period of duty in respect of each such day.

(4) This regulation shall be construed as one with regulation 23 of the principal regulations.

PART III

PROVISIONS HAVING EFFECT AS FROM 1ST APRIL 1973

7.—(1) In paragraph (2)(*a*) of regulation 24 of the principal regulations (which relates to public holidays and monthly leave days for higher ranks) for the figure "4" there shall be substituted the figure "8".

(2) In paragraph (4) of the said regulation 24 for the figure "4" there shall be substituted the figure "8".

(3) At the end of the said regulation 24 there shall be added the following sub-paragraph:—

"(5) For the purposes of this regulation the expression "month" means that period of 28 days beginning with such day as is fixed by the chief constable.".

8.—(1) For paragraph 1 of Schedule 2 to the principal regulations (annual leave) there shall be substituted the following paragraph:—

"1.—(1) Subject to regulation 25 and the provisions of this Schedule, every constable shall be granted in each leave year the period of annual leave set out opposite the rank he holds in the following Table—

(*a*) where he has completed less than 10 years' relevant service, in the second column thereof;

(*b*) where he has completed 10 but has not completed 17 years' relevant service, in the third column thereof;

(*c*) where he has completed 17 or more years' relevant service, in the fourth column thereof.

TABLE

Rank	Annual Leave		
	Under 10 years' relevant service	10 or more years' relevant service	17 or more years' relevant service
	Days	Days	Days
Constable	18	21	23
Sergeant	20	23	23
Inspector	23	26	26
Chief Inspector	26	29	29
Superintendent	30	30	30
Any rank higher than that of Superintendent	Not less than 42	Not less than 48	Not less than 48

(2) This paragraph shall have effect in relation to a constable holding the rank of superintendent who, on 1st April 1973—

(*a*) held that rank, and

(*b*) had completed 10 or more years' relevant service,

as if each of the periods of leave set out in the above Table were increased by 6 days.".

(2) In a leave year which falls in part before, and in part after, 1st April 1973, this paragraph shall have effect in relation to a constable holding the rank of superintendent as if each of the periods set out in the above Table (as modified by sub-paragraph (2) where that sub-paragraph applies) were increased by that proportion of a period of 12 days which is the proportion which the part of the leave year falling before 1st April 1973 bears to the whole year, a fraction of a day being reckoned as a day.

PART IV

PROVISIONS HAVING EFFECT AS FROM 6TH APRIL 1973

9.—(1) In paragraph (1) of regulation 42 of the principal regulations (which relates to compensatory grant) for the words "income tax or surtax" there shall be substituted the words "income tax for any year or surtax for any year ending before 6th April 1973".

(2) For paragraph (5)(*b*) of the said regulation 42 there shall be substituted the following provision:—

"(*b*) the expression "income tax" means, for a year ending before 6th April 1973, income tax other than surtax but, for a year beginning on or after that date, includes all income tax whether payable at the basic rate or a higher rate;".

10.—(1) In paragraph (1) of regulation 43 of the principal regulations (which relates to discharge of tax liability in respect of police house or quarters) for the words "income tax or surtax" there shall be substituted the words "income tax for any year or surtax for any year ending before 6th April 1973".

(2) In paragraph (3) of the said regulation 43 after the words "for any year" there shall be inserted the words "ending before 6th April 1973".

(3) For paragraph (5)(*a*) of the said regulation 43 there shall be substituted the following provision:—

"(*a*) the expression "income tax" means, for a year ending before 6th April 1973, income tax other than surtax but, for a year beginning on or after that date, includes all income tax whether payable at the basic rate or a higher rate; and".

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

St. Andrew's House,
Edinburgh.
5th March 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend, and make transitory provision supplemental to, the Police (Scotland) Regulations 1972.

Part II of these Regulations makes transitory provision as respects compensation for duty performed by way of overtime or on a public holiday or day which would otherwise have been a rest day. It relates to such duty performed during the period beginning with 1st September 1972 and ending immediately before 23rd February 1973 (the date on which the provisions of the Regulations of 1972 governing such compensation were amended by the Police (Scotland) Amendment Regulations 1973 (S.I. 1973/119)).

Part III of these Regulations relates to the leave of superintendents. Their number of monthly leave days is increased from 4 to 8 a month but (subject to transitional provisions) their annual leave is reduced from 42 days (or 48 days after 10 years' service) to 30 days.

Part IV of these Regulations contains amendments of provisions of the Regulations of 1972 which refer to surtax and takes account of the introduction of the unified tax system on 6th April 1973.

The provision that Part II 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).

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