STATUTORY INSTRUMENTS

1965 No. 1899 (S.102)

POLICE

The Police (Scotland) Amendment (No. 3) Regulations 1965

Made - - - -	*27th October* 1965
Laid before Parliament	*11th November* 1965
Coming into Operation	*12th November* 1965

In exercise of the powers conferred on me by section 11 of the Police (Scotland) Act 1956(a), section 1 of the Police, Fire and Probation Officers Remuneration Act 1956(b) and of all other powers enabling me in that behalf, and after consulting the Police Council for Great Britain in accordance with section 45(4) of the Police Act 1964(c), I hereby make the following Regulations:—

PART I

1. These Regulations may be cited as the Police (Scotland) Amendment (No. 3) Regulations 1965 and shall come into operation on 12th November 1965.

2. The Police (Scotland) Regulations 1956(d), as amended, (e) (hereinafter referred to as the principal Regulations) shall have effect subject to the amendments specified in Part II of these Regulations.

PART II

3.—(1) For Regulation 33 (1A)(b) of the principal Regulations (which provides that a constable who has attained the age of 22 years shall be entitled to a special scale of pay if his service includes 30th November 1964) there shall be substituted the following:—

"(b) begins on or before 30th November 1964,".

(2) This Regulation shall have effect as from 1st December 1964.

4.—(1) For Regulation 43 of the principal Regulations (which relates to plain clothes allowances) there shall be substituted the following Regulation:—

"Plain clothes allowances

43.—(1) A member of a police force who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance.

(a) 4 & 5 Eliz. 2. c. 26. (b) 5 & 6 Eliz. 2. c. 1. (c) 1964 c. 48.
(d) S.I. 1956/1999 (1956 II, p. 1766).
(e) The relevant amending instruments are S.I. 1959/747, 2257, 1964/149, 1969 (1959 II, pp. 2096, 2100; 1964 I, p. 274; III, p. 4445).

(2) A plain clothes allowance payable under paragraph (1) in respect of duty performed on or after 1st May 1965 shall be payable at the rate of—

(a) £49 a year, in the case of a superintendent;

(b) £46 a year, in the case of an inspector;

(c) 15s. 6d. a week, in the case of a sergeant;

(d) 14s. 6d. a week, in the case of a constable;

(3) An inspector, sergeant or constable required to perform duties in plain clothes for not less than 48 hours in the aggregate in any period of 6 months ending on or after 1st August 1965 shall be paid a plain clothes allowance in respect of such duties:

Provided that for the purposes of calculating the said aggregate—

(a) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in paragraph (1), no account shall be taken of those duties;

(b) where the duties were performed before 1st May 1965 on a day in respect of which an allowance was payable by virtue of proviso (i) to this Regulation as originally made, no account shall be taken of those duties;

(c) where the duties performed on any occasion lasted less than 4 completed hours, or, where they were performed before 1st May 1965, less than a day, no account shall be taken of those duties;

(d) no account shall be taken of duties performed by an inspector before 1st May 1965;

(e) a day's duty performed before 1st May 1965 shall be treated as consisting of duties lasting 8 completed hours;

(f) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.

(4) A plain clothes allowance payable under paragraph (3) shall be payable at the rate of—

(a) 5d. an hour, in the case of an inspector;

(b) 4½d. an hour, in the case of a sergeant;

(c) 4d. an hour, in the case of a constable;

(5) Notwithstanding anything in paragraph (2) or (4), where a member of a police force is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under paragraph (1) or (3) shall be payable at such rate as may be approved by the Secretary of State.".

(2) This Regulation shall have effect from 1st May 1965.

5.—(1) For the Table to Regulation 45(3) of the principal Regulations (which relates to subsistence, refreshment and lodging allowances) there shall be substituted the following Table:—

Description of Allowance	Superintendents	Inspectors	Sergeants and Constables
Refreshment Allowance:	s. d.	s. d.	s. d.
(i) for 1 meal	6 6	6 -	5 6
(ii) for 2 meals	9 6	8 6	7 9
Subsistence Allowance: Period of retention or engagement on duty—			
(i) over 5 hours and not exceeding 8 hours	9 6	8 6	7 9
(ii) over 8 hours and not exceeding 12 hours	14 -	12 6	10 9
(iii) over 12 hours and not exceeding 24 hours	24 -	20 6	18 -
(iv) over 24 hours— at the rate under (iii) above for each complete period of 24 hours' retention or engagement, together with whichever is the appropriate amount under the preceding provisions of this Table for any excess over the aggregate of such complete periods.			
Lodging Allowance—for each night	43 -	33 -	30 -

(2) This Regulation shall have effect as from 1st September 1965.

6. After Regulation 46 of the principal Regulations there shall be inserted the following Regulation:—

"Motor vehicle allowances

46A.—(1) Where a member of a police force is authorised by the chief constable to use a motor vehicle owned by him for the purposes of duties performed by him, he shall in respect of such use be paid a motor vehicle allowance as hereinafter provided:

Provided that such an allowance shall not be payable in respect of such use unless there was in force in relation thereto a policy of insurance in terms approved by the police authority in relation to the use in question for the purposes hereof.

(2) Where the authorised use is for the purposes of duties normally performed by the member in question and from time to time performed by him, the allowance shall be a normal rate vehicle allowance and shall be payable in accordance with Parts I and III of Schedule 6:

Provided that where the member concerned is of, or above, the rank of superintendent, or holds the office of deputy chief constable, or where, by reason that the period for which the vehicle is held available for use as aforesaid substantially exceeds the period of actual use, an allowance in accordance with the said Parts I and III would not, in the opinion of the police authority, constitute an appropriate contribution towards the cost to the member of the vehicle and his expenditure in connection therewith, he may instead be paid a flat rate vehicle allowance at an annual rate determined by the police authority with the approval of the Secretary of State.

(3) Where the authorised use is for the performance of duties on a particular occasion or occasions, the allowance shall be an occasional rate vehicle allowance and shall be payable in accordance with Parts II and III of Schedule 6; and such use may be authorised for the purposes of this Regulation notwithstanding that it has already occurred.

(4) In this Regulation a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by him.".

(5) This Regulation shall have effect as from 1st October 1965.

7. After Schedule 5 to the principal Regulations there shall be added, to have effect as from 1st October 1965, the following Schedule:—

"SCHEDULE 6

MOTOR VEHICLE ALLOWANCES

PART I

NORMAL RATE

1. Subject as hereafter in this Schedule provided, the amount of a normal rate vehicle allowance shall be calculated, by reference to the authorised use in a year expressed in miles, at the rate per mile set opposite the description and cylinder capacity of the vehicle in question in the following Table:—

(a) in the case of a motor car of a cylinder capacity exceeding 500 c.c., in relation to the first 7,200 miles of authorised use, in the third column thereof, and, in relation to any further authorised use, in the fourth column thereof;

(b) in the case of any other motor vehicle, in the third column thereof:—

TABLE

Motor Vehicle		Rate per mile	
Description	Cylinder capacity	Basic rate	Reduced rate over 7,200 miles
Motor car	2,000 c.c. or more	10¼d.	4½d.
„	1,200 c.c. or more but less than 2,000 c.c.	9d.	4¼d.
„	1,000 c.c. or more but less than 1,200 c.c.	7¾d.	3½d.
„	Exceeding 500 c.c. but less than 1,000 c.c.	7¼d.	3d.
„	Not exceeding 500 c.c.	4d.	-
Motor cycle	Exceeding 500 c.c.	4d.	-
„	Exceeding 150 c.c. but not exceeding 500 c.c.	3d.	-
„	Exceeding 120 c.c. but not exceeding 150 c.c.	2½d.	-
„	Not exceeding 120 c.c.	2d.	-

2. The amount of a normal rate vehicle allowance shall not exceed that which would be payable if the vehicle in question were of such a description and cylinder capacity as the chief constable, with the approval of the police authority, has determined appropriate for use for the purposes of the duties in question.

3. Where for a period ending immediately before 1st October 1965 a member of a police force has been paid a mileage allowance, approved by the Secretary of State under Regulation 37, in respect of his use, for the purposes mentioned in Regulation 46A(2), of a motor vehicle owned by him (within the meaning of Regulation 46A) then, so long as he continues to use the same motor vehicle, any normal rate vehicle allowance payable to him for a period ending before 1st October 1967 shall be calculated in the manner provided in paragraphs 1 and 2 or in the like manner as his former allowance was calculated, whichever is the more favourable in his case.

PART II
OCCASIONAL RATE

Subject as hereafter in this Schedule provided, the amount of an occasional rate vehicle allowance shall be calculated, by reference to the authorised use expressed in miles:—

(a) in the case of a motor bicycle of a cylinder capacity not exceeding 500 c.c., at the rate of 2½d. a mile;

(b) in the case of any other motor vehicle at the rate of 3½d. a mile.

PART III
PASSENGER SUPPLEMENT AND INTERPRETATION

1.—(1) Where in the course of the authorised use of a motor car or of a motor bicycle used for drawing a sidecar a member of a police force carries a passenger either for the purposes of the duties performed by the member or, where the passenger is himself a member of a police force, by the passenger, then, subject to sub-paragraph (2) hereof, the vehicle allowance payable to him shall be supplemented, in respect of each passenger:—

(a) in the case of a normal rate vehicle allowance, by ½d. for each mile that he is so carried;

(b) in the case of an occasional rate vehicle allowance, by 1d. for each mile that he is so carried.

(2) A normal rate vehicle allowance calculated otherwise than in accordance with paragraphs 1 and 2 of Part I of this Schedule, by virtue of paragraph 3 thereof, shall not be supplemented under this paragraph.

2. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

"authorised use" means use for such purposes as are mentioned in paragraph (2) or, as the case may be, paragraph (3) of Regulation 46A in respect of which a normal or occasional rate vehicle allowance is payable;

"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);

"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 October."

William Ross,

One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th October 1965.

(a) 10 & 11 Eliz. 2. c. 13.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1956.

Constables whose period of service includes 30th November 1964 are entitled, if they have attained the age of 22 years, to be paid at the special rate applicable to those whose period of service begins after that date and after attaining that age.

Regulation 3, which has effect from 1st December 1964, extends this entitlement to constables with broken service who were not serving on 30th November 1964 but whose period of service begins before that date.

Regulation 4, which has effect from 1st May 1965, increases the rates of plain clothes allowances, relaxes the conditions under which an allowance is payable in respect of occasional plain clothes duty and extends the entitlement to an allowance so payable to inspectors.

Regulation 5, which has effect from 1st September 1965, increases the rates of subsistence, refreshment and lodging allowances.

Regulations 6 and 7 provide that as from 1st October 1965 a member of a police force shall be paid an allowance in respect of the authorised use, for the purposes of duty, of a motor vehicle owned by him.

The Regulations come into operation on 12th November 1965 and the provisions of Regulations 3 to 7 have retrospective effect.