STATUTORY INSTRUMENTS

# 1975 No. 2070 (S. 278)

# POLICE

## The Police (Scotland) Amendment (No. 4) Regulations 1975

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| *Made - - - -* | *4th December* 1975 |
| *Laid before Parliament* | *19th December* 1975 |
| *Coming into Operation* | *9th January* 1976 |

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. 4) Regulations 1975.

**2.** These regulations shall come into operation on 9th January 1976 and shall have effect—

(*a*) for the purposes of Part II thereof as from 1st April 1974;

(*b*) for the purposes of Part III thereof as from 1st April 1975;

(*c*) for the purposes of Part IV thereof as from 1st September 1975.

**3.** In these regulations any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1972(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 having effect as from 1st April* 1974

**5.** Regulation 39 of the principal regulations (rent allowance) shall have

(a) 1967 c. 77. (b) 1969 c. 63. (c) S.I. 1972/777 (1972 II, p. 2490).
(d) S.I. 1972/1206, 1973/119, 391, 1458, 1609, 1974/489, 1348, 1515, 1975/269, 983, 1286 (1972 II, p. 3573; 1973 I, pp. 516, 1338; II, p. 4425; III, p. 5042; 1974 I, p. 1750; II, p. 5142; III, p. 5786; 1975 I, p. 672; II, pp. 3404, 4323).
(e) 1889 c. 63.

effect in respect of the period beginning with 1st April 1974 and ending immediately before 1st April 1975 as if the reference in paragraph (3)(*a*) thereof to the amount paid in rates by a constable were a reference to the aggregate of the amount so paid and the amount of any rate rebate granted to him under a standard rate rebate scheme operated under regulations made by virtue of section 112 of the Local Government (Scotland) Act 1973**(a)** or a variation of such a scheme operating under section 114 of that Act.

## PART III

*Provisions having effect as from 1st April 1975*

**6.**—(1) For regulation 39 of the principal regulations (rent allowance) there shall be substituted the following regulation:—

"Rent Allowance

**39.**—(1) A constable who is not provided with a house or quarters free of rent and rates shall be paid a rent allowance which shall be either a maximum limit allowance or a flat-rate allowance:

Provided that—

(*a*) a constable to whom regulation 40 applies who is provided with a house or quarters shall be paid a rent allowance in addition;

(*b*) a woman constable shall not be paid a rent allowance if she is on unpaid maternity leave.

(2) Subject to paragraph (3), a maximum limit allowance—

(*a*) shall be paid to a constable married to (but not separated from) a person who either—

(i) is not a constable, or

(ii) is such a constable but is on unpaid maternity leave;

(*b*) shall be paid to an unmarried constable or a constable separated from his spouse, who—

(i) has attained the age of 30 years,

(ii) has served for 5 years as a constable of that or any other police force, and

(iii) occupies as owner or tenant the accommodation in which he is living;

(*c*) may, if the police authority think fit, be paid to a constable, not being a constable to whom sub-paragraph (*a*) or (*b*) applies who—

(i) has a dependent relative living with him,

(ii) is separated from, or has divorced or been divorced by, his spouse, or

(iii) is a widower or widow;

and in all other cases a flat-rate allowance shall be paid.

(3) A maximum limit allowance shall not be payable—

(*a*) to a constable who lives in accommodation in respect of which he makes no payment (by way of rent, rates or otherwise), or

**(a)** 1973 c. 65.

(*b*) to a constable who shares with another constable accommodation of which they are joint owners or tenants so however that this sub-paragraph shall not preclude the payment of a maximum limit allowance by virtue of sub-paragraph (ii) of paragraph (2)(*a*).

(4)(*a*) A maximum limit allowance payable to a constable shall not be less than a half of, nor more than, the maximum limit for his rank but, subject as aforesaid shall be the aggregate of the amount paid in rates and the amount of any rate rebate granted to him together with—

(i) where the constable owns the house he occupies, the amount which in the opinion of the District Valuer would be paid in rent therefor if the house were let unfurnished,

(ii) where the constable is living in unfurnished accommodation, the amount paid in rent therefor, or

(iii) subject to sub-paragraph (*a*)(i), where the constable is living in furnished accommodation, an amount which in the opinion of the police authority would have been paid in rent therefor had the accommodation been unfurnished:

Provided that where part of the said house or part of the said accommodation is let to or occupied by a tenant or lodger, as the case may be, who is not a constable, the police authority may make a deduction from the said aggregate in respect of such part.

(*b*) The maximum limit shall be fixed by the police authority with the approval of the Secretary of State for each rank.

(5) A flat-rate allowance shall be an allowance equal to half the amount fixed as the maximum limit for constables of the same rank.

(6) Except where the constable's spouse or former spouse is a constable, a married constable who is separated from his spouse or a constable who has divorced, or been divorced by, his spouse, may if he regularly makes periodic payments to or for the benefit of his spouse or former spouse, be granted—

(*a*) where he is in receipt of a rent allowance under paragraph (1), an addition to that rent allowance, or

(*b*) where he is provided with a house or quarters free of rent and rates, a rent allowance,

equal to whichever is the lesser of the two following amounts, namely, the amount by which his former allowance exceeds his present allowance or the amount paid by him to or for the benefit of his spouse or former spouse.

(7) In this regulation—

(*a*) the expression "his former allowance" means—

(i) in relation to a constable who,

immediately before his spouse commenced to live apart from him, was being provided with a house or quarters free of rent and rates, a sum fixed as the value for the time being of that house or those quarters;

(ii) in relation to any other constable, the maximum limit allowance which would for the time being be payable to him if he were still

entitled to such an allowance and the aggregate referred to in paragraph (4)(*a*) were unchanged since immediately before his spouse commenced to live apart from him;

(*b*) the expression "his present allowance" means the rent allowance which is being paid to the constable under paragraph (1) or, as the case may be, a sum fixed as the value for the time being of the house or quarters with which he is provided;

(*c*) the expression "rates" means any rate, charge, or assessment, the proceeds of which are applicable to public local purposes and which are leviable on land and heritages and includes any rate in respect of water supply payable according to the net annual value of the house or quarters;

(*d*) the expression "rate rebate" means a rate rebate granted under a standard rate rebate scheme operated under regulations made by virtue of section 112 of the Local Government (Scotland) Act 1973 or a variation of such a scheme operating under section 114 of that Act;

(*e*) a reference to the provision of a house or quarters free of rent and rates is a reference to such provision by a police authority.".

(2) Where the rent allowance payable to a constable in respect of a period ending before 9th January 1976 would, but for this paragraph, be reduced or cease to be payable in consequence of the amendment made by paragraph (1) above then, in respect of that period, the said Regulation 39 shall have effect in the cases of that constable and his spouse as if—

(*a*) the said amendment had not been made, and

(*b*) in Regulation 6 above for the date "1st April 1975" there were substituted the date "9th January 1976".

**7.** For sub-paragraph (1)(*a*) of regulation 40 (supplementary rent allowance) there shall be substituted the following:—

"(*a*) a constable who—

(i) is a widower or widow with a child or children or is married,

(ii) is not living with his family, and

(iii) satisfies the police authority that the only reason why he is not so living is that he is unable to find suitable accommodation for his family, at a reasonable cost within a reasonable distance of his place of duty;".

**8.** In paragraph 4(2)(*d*) of Schedule 10 to the principal regulations (university scholars) for the words "where he is a widower with a child or children or a married man" there shall be substituted the words "where the scholar is a widower or widow with a child or children or is married".

## PART IV

*Provision having effect as from 1st September* 1975

**9.** In paragraph 4(2)(*d*) of the said Schedule 10 for the rate "£3·350 a week" in both places where it occurs there shall be substituted the rate "£3·870 a week".

*William Ross,*
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
4th December 1975

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Police (Scotland) Regulations 1972.

Part II of these Regulations (Regulation 5) provides that in assessing the amount of rent allowance due, no account shall be taken of any rate rebate payable. It has effect as from 1st April 1974.

Part III of these Regulations (Regulations 6-8) relates to rent allowance, supplementary rent allowance and university scholars. It has effect as from 1st April 1975.

Regulation 6 removes the discriminatory provisions from the payment of rent allowance to women, and establishes as a new principle that a constable who is not provided with free accommodation by the police authority shall receive a rent allowance equal at least to the flat-rate rent allowance.

Regulation 7 similarly removes the discriminatory provisions from the payment of supplementary rent allowance.

Regulation 8 provides for changes to be made with regard to university scholars in consequence of Regulations 6 and 7.

Part IV of these Regulations (Regulation 9) which relates to university scholars makes an amendment consequential on the increase in supplementary rent allowance. It has effect as from 1st September 1975.

The provision that Parts II, III and IV 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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