POLICE, SCOTLAND

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1. POLICE REGULATIONS

The Police (Scotland) (Amendment) Regulations, 1949

1949 No. 1242 (S. 88)

Made - - - - 30*th June,* 1949
Coming into Operation 1*st July,* 1949

In exercise of the powers conferred on me by section four of the Police Act, 1919(a), I hereby make the following Regulations :—

1. Subject to the following provisions of these Regulations, the Police (Scotland) Regulations(b) shall have effect subject to the amendments specified in the Schedule to these Regulations.

2. The Police (Scotland) Regulations shall, in relation to a member of a police force who on the first day of July, nineteen hundred and forty-nine, is such a member or is serving in an overseas corps within the meaning of the Police Pensions (Scotland) Regulations, 1949(c), and who has not elected in accordance with Regulation 83 of the last mentioned Regulations, have effect subject to :—

(i) the amendments specified in the Schedule to these Regulations other than the amendments specified in paragraphs 3, 4, 5, 10 and 20 of the said Schedule ; and

(ii) the substitution in Regulation 48 in paragraph (1) for the words " one-seventh " of the words " one-sixth ".

3. Where such a member has elected in accordance with the said Regulation 83, the last foregoing Regulation shall be deemed to have ceased to have effect in relation to him from whichever is the latest of the following dates—

(i) one month before the date on which he so elected ;
(ii) the first day of July, nineteen hundred and forty-nine ; or
(iii) the date on which he last joined a police force :

Provided that—

(*a*) where the police authority are satisfied that he would have so elected at an earlier date had he not been prevented from so doing by illness, absence from the United Kingdom or other special circumstances, they may in their discretion increase the period of one month before-mentioned in this Regulation ; and

(*b*) where, on the date on which the last foregoing Regulation is deemed to have ceased to have effect in relation to him, he was subject to a punishment imposing a reduction in his rate of pay, he shall for the remainder of the period of that punishment have the pay to which he would otherwise be entitled by virtue of the amendments to the Police (Scotland) Regulations specified in paragraphs 3, 4, 5, 10 and 20

(a) 9 & 10 Geo. 5. c. 46.
(b) S.R. & O. 1920 (No. 2113) II, p. 548 as amended. The 1920 Regulations have been reprinted as amended up to and including the 5th July, 1948.
(c) S.I. 1949 No. 1240, p. 3401 below.

of the Schedule to these Regulations, reduced by an amount equal to the amount by which his rate of pay has been reduced by that punishment.

4. These Regulations may be cited as the Police (Scotland) (Amendment) Regulations, 1949, and shall come into operation on the first day of July, nineteen hundred and forty-nine.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th June, 1949.

SCHEDULE

1. For Regulation 2 there shall be substituted the following Regulation:—

"2. In forces where varying degrees of responsibility render intermediate ranks necessary, one or more of the following ranks may be retained or adopted as the case may be, subject, in each case, to the approval of the Secretary of State:—

Assistant Chief Constable.
Chief Superintendent.
Chief Inspector."

2. In Regulation 12A in paragraph (3) for the words "detective allowance" there shall be substituted the words "detective duty allowance, detective expenses allowance."

3. In Regulation 21 in paragraph (2) the words "in the force" shall be omitted.

4. In Regulation 22 the words "(except any additional or any special increment which is subject to good conduct as provided in the Regulations relating to Pay)" shall be omitted.

5. In Regulation 26A paragraphs (2) and (3) shall be omitted.

6. In Regulation 27 in paragraph (2) for the words "means pensionable service and service as a police auxiliary" there shall be substituted the words "includes service as an auxiliary but does not include service during which the member of a police force is below the age of twenty".

7. For Regulations 33 to 39 there shall be substituted the following Regulations:—

"33.—(1) The normal daily period of duty of a member of a police force to whom this Regulation applies shall be eight hours and in addition any time occupied when reporting at the appointed place for duty before a tour of duty begins.

(2) Where the normal period of duty is performed in one tour of duty an interval of forty-five minutes shall normally be allowed for refreshment.

(3) This Regulation shall apply to a member of a police force who is not—

(*a*) above the rank of chief inspector,

(*b*) an inspector in sole charge of a sub-division or

(*c*) paid a detective duty allowance.

34.—(1) Subject to the provisions of this Regulation, where a member of a police force to whom Regulation 33 of these Regulations applies remains on duty after his tour of duty ends or is recalled to duty between two tours of duty, he shall be granted, if and as soon as the exigencies of duty in the opinion of the chief constable permit, in respect of each unit of time during

which he so remains on duty after the tour of duty ends or after being so recalled (hereafter in this Regulation referred to as "overtime"), an equal period of time off and in addition for each three units of overtime in any week, an additional quarter of an hour of time off.

(2) If in the case of a member being a sergeant or a constable time off in respect of his overtime during any week is not granted within such time (not exceeding three months) after the said week as the chief constable may fix, the member shall be granted for each four units of overtime worked during that week for which time off has not been granted an allowance of 4s. 9d. if the member is a sergeant, and 4s. 0d. if the member is a constable, and after the time fixed as aforesaid the right of such member to time off in respect of that week shall cease.

(3) In computing any period of overtime for the purposes of this Regulation—

(*a*) where the member is engaged on casual escort duty, account shall be taken only of the time during which he is in charge of the prisoner and such other time during the period of the said escort duty as the chief constable may allow;

(*b*) where the tour or tours of duty do not amount in the aggregate to more than the normal period of duty, no account shall be taken of any overtime except so much as, together with the tour or tours of duty, exceeds the normal period of duty;

(*c*) no account shall be taken of any overtime for which the member receives an allowance under Regulation 71 or 73 of these Regulations;

(*d*) where a member is recalled to duty, the period of overtime shall include the time occupied by the member in going from and returning to his home not exceeding such reasonable limit as may be fixed by the chief constable;

(*e*) where a member who has completed a full tour of duty, which commenced at any time after 6 p.m. and ended at any time after 2 a.m. on the day next following, is recalled to duty before nine-and-a-half hours have elapsed from the time when such tour of duty ended, he shall be deemed, if the period of overtime thereby worked before the elapse of nine-and-a-half hours amounts to less than sixteen units of overtime, to have worked in respect of that period a period of overtime equal to sixteen units of overtime.

(4) For the purposes of this Regulation—

references to a member recalled to duty shall not include a reference to a member who is only warned to be in readiness for duty if required;

the expression "unit" means a complete quarter of an hour;

the expression "week" means that period of seven days beginning with such day as is fixed by the chief constable.

35.—(1) Every member of a police force shall so far as the exigencies of duty permit be granted a day's leave on New Year's Day and on each of five other days being so far as practicable local public holidays.

(2) Every member of a police force below the rank of superintendent who is required to do duty on any of the aforesaid days or on a day which would otherwise have been a rest day under the provisions of the Police (Weekly Rest Day) (Scotland) Act, 1914(**a**), shall be granted, if and as soon as the exigencies of duty permit, time off equal to one-and-a-half times the period of completed hours of duty on each such day.

For the purposes of this Regulation a member of a police force who is paid a detective duty allowance in respect of duty on any of the days mentioned in paragraph (1) of this Regulation or on a day which would otherwise have been a rest day under the provisions of the Police (Weekly Rest Day) (Scotland) Act, 1914, shall only be deemed to be required to do duty on that day if he has been specifically ordered to do duty.

(**a**) 4 & 5 Geo. 5. c. 8.

(3) If in the opinion of the chief constable the exigencies of duty do not permit the grant of time off under the preceding paragraph within such time (not exceeding three months) as he may fix, the said member shall be granted in lieu of time off an allowance at the rate of three-sixteenths of one day's pay for each completed hour of duty on each such day, fractions of a penny being ignored.

(4) Every member of a police force of or above the rank of superintendent who is required to do duty on any of the days mentioned in paragraph (1) of this Regulation shall, within the next three months, be granted a day's leave in lieu of each such day unless the exigencies of duty do not permit such a grant.

36. On any occasion or occasions of emergency within the meaning of the Police (Weekly Rest Day) (Scotland) Act, 1914, the Secretary of State may direct that the provisions of Regulations 33, 34 and 35 of these Regulations shall apply only to such extent and under such conditions as he may determine."

8. In Regulation 40 in paragraph (1) for the words "Regulation 38A" there shall be substituted the words "Regulation 35 of these Regulations," and the words "in pursuance of a notice of intention to retire" shall be omitted.

9. For Regulation 41 there shall be substituted the following Regulation:—

"41. Every member of a police force of or above the rank of superintendent shall, in addition to the days on which he is not required to do duty under Regulation 35 of these Regulations, be granted in each calendar year so far as the exigencies of duty permit—

(*a*) annual leave of not less than forty-two days, with an additional six days after completing ten years' service in any such rank or ranks, and

(*b*) leave off from duty for one day and a half in each month;

Provided that in the calendar year in which the member retires he shall be granted so far as the exigencies of duty permit annual leave at the rate of one-twelfth of the annual leave to which he would be entitled under this Regulation for each complete month of service in that year, a fraction of a day being regarded as a day."

10. For Regulations 46 to 50 and 52 to 61 there shall be substituted the following Regulations:—

"46.—(1) The rate of pay of a member holding—

(*a*) the rank of chief inspector, inspector, sergeant, or constable shall be in accordance with the scale of pay for his rank set out in the Fourth Appendix hereto;

(*b*) any other rank shall be in accordance with such scale of pay as shall be determined by the Secretary of State.

(2) In calculating service for any of the aforesaid scales of pay—

(*a*) there shall be included any period which is included in the member's pensionable service within the meaning of the Police Pensions (Scotland) Regulations, 1949, by virtue of the fact that section one of the Police and Firemen (War Service) Act, 1939(a), applied to him;

(*b*) where the member is promoted, whether substantively or temporarily, and has less than two years before the date of promotion held the same rank on a temporary promotion thereto, there shall be included all service during any previous temporary promotion to that rank;

(*c*) where the member has been temporarily promoted and subsequently reverts to the rank he held immediately before he was temporarily promoted, he shall be deemed while holding that rank thereafter to have held during the period of his temporary promotion the rank to which he has so reverted;

(a) 2 & 3 Geo. 6. c. 103.

(*d*) in the case of a constable there shall be included any period of service as an auxiliary, any period of service in His Majesty's forces following a period of service as an auxiliary, any period of service in the Palestine police force and any period of wholetime service in Orkney or Zetland prior to the fifteenth day of January, 1938, or the twenty-ninth day of May, 1940, respectively;

(*e*) subject to the foregoing provisions of this paragraph, service means service since the member's last appointment as a constable or service since the member's last promotion to the rank he holds, as the case may be.

(3) Nothing in the foregoing provisions of this Regulation shall affect the operation of the Regulations relating to discipline or of Regulation 51 of these Regulations.

(4) No pensionable payment except those above referred to and pensionable payments approved by the Secretary of State to members of a police force for acting as deputy chief constable shall be made.

47.—(1) Members of a police force shall be paid at such intervals as the police authority may fix, and the police authority may fix different intervals for different classes.

(2) In fixing the interval for any class the police authority shall have regard to the wishes of the members of that class.

48.—(1) One month's pay shall be calculated for all purposes at the annual rate of pay divided by twelve, fractions of a penny being ignored.

(2) One week's pay shall be calculated for all purposes at the annual rate of pay, divided by fifty-two and one-sixth, fractions of a penny being ignored.

(3) One day's pay shall be calculated for all purposes at the weekly rate of pay divided by six, fractions of a penny being ignored."

11. For Regulation 64 there shall be substituted the following Regulation:—

"64.—(1) A police authority shall either provide every member of the police force with a house or quarters free of rent and rates or shall pay him a rent allowance in lieu:

Provided that a member to whom Regulation 64A of these Regulations applies who is provided with quarters shall be paid a rent allowance in addition.

(2) Subject to the provisions of Regulation 64A of these Regulations, any allowance granted in lieu of a house or quarters to a married member of a police force not separated from his wife (in this Regulation referred to as a "maximum limit" allowance) shall be the aggregate of—

(i) where the member owns the house he occupies, an amount equal to the rateable value of the said house, or

(ii) where the member is living in unfurnished accommodation, an amount equal to the rent paid therefor, or

(iii) where the member is living in furnished accommodation, an amount equal to the rent which in the opinion of the police authority would have been paid therefor had the accommodation been unfurnished,

and the amount paid in rates, subject in each case to a maximum limit for married members of the rank in which he is serving:

Provided that—

(i) 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 member of a police force, the police authority may make a deduction from the said aggregate in respect of such part;

(ii) if the police authority think fit, a maximum limit allowance may be paid to a married member of the police force separated from his wife, to a single member of the police force who has a dependant relative living with him and, whether or not he has a dependant relative living with him, to a member of the police force who has divorced, or been divorced by, his wife, or is a widower; and

(iii) a married member of the police force separated from his wife or a member of the police force who has divorced, or been divorced by, his wife, and who regularly makes periodic payments to her for her benefit may be granted an addition to his 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 wife or former wife.

(3) Subject to the provisions of paragraph (2) of this Regulation, any allowance granted in lieu of a house or quarters to a single member of a police force (in this Regulation referred to as a "flat rate" allowance) shall be an amount to be fixed so as to cover the reasonable average cost of quarters for single men of the rank in question.

(4) The maximum limit referred to in paragraph (2) of this Regulation and the flat rate allowance referred to in paragraph (3) thereof shall from time to time be fixed for each rank by the police authority with the approval of the Secretary of State or by the Secretary of State after consultation with the police authority.

(5) For the purpose of this Regulation—

(*a*) the expression "rates" means the occupier's proportion of any assessment or rate the proceeds of which are applicable to public local purposes and which is leviable on lands and heritages, and includes any occupier's rate in respect of water supply payable according to the gross annual value of the house or quarters independently of the quantity of water consumed;

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

(i) in relation to a man who, immediately before his wife 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; and

(ii) in relation to any other man, the maximum limit allowance which would for the time being be payable to him if he were still entitled to a maximum limit allowance and he were paying the aggregate calculated in accordance with paragraph (2) of this Regulation which he was paying immediately before his wife commenced to live apart from him;

(*c*) the expression "his present allowance" means the rent allowance which is being paid to the member of the police force, or, as the case may be, the sum fixed as the value for the time being of the house or quarters with which under this Regulation he is provided.

12. In Regulation 64A in paragraph (5) for the words "thirty-first day of December, 1949" there shall be substituted the words "thirty-first day of December, 1950".

13. After Regulation 64B there shall be inserted the following Regulation:—

"*Transfer Allowance*

64C. A member of a police force who in the opinion of the chief constable is required to move his home by the exigencies of police duty otherwise than on transfer from one force to another shall have his removal expenses reimbursed and in addition shall be paid a transfer allowance of £5, and, if the cost actually and necessarily incurred in adapting his household furnishings in consequence of the said move exceeds £5, an additional allowance equal to the difference between the said cost and the said £5 subject to the maximum amount set out in the subjoined Table opposite to the rank he holds:—

TABLE

Rank	Amount
	£
Above the rank of Chief Superintendent	35
Chief Superintendent or Superintendent	25
Chief Inspector or Inspector	20
Sergeant or Constable	15

14. For Regulation 67 there shall be substituted the following Regulation:—

"67.—(1) If the chief constable is satisfied that a member of a police force while engaged in detective duties is normally engaged in outside duties, that member shall be paid a detective duty allowance at the rate set out in the subjoined Table opposite to the rank he holds:

Provided that the allowance shall not be paid in respect of a period of detective duty of less than one week.

TABLE

Rank	Amount
Chief Inspector or Inspector	£42 a year
Sergeant	£36 a year
Constable	£30 a year

(2) A member of a police force who is in receipt of an allowance under paragraph (1) of this Regulation shall also be paid a detective expenses allowance of 10s. 0d. a week.

(3) If immediately before the first day of July, 1949, the chief constable was satisfied that a member of a police force below the rank of superintendent was normally engaged in detective duty other than outside duty, that member shall, on making application to the chief constable before the first day of August, 1949, continue to receive the detective allowance which he was receiving immediately before the first day of July, 1949, until the chief constable is satisfied that he is no longer so engaged or until he is promoted and, so long as he receives the said allowance, he shall be treated for the purposes of these Regulations, other than Regulation 35 thereof and paragraph (2) of this Regulation, as if he were paid a detective duty allowance."

15. In Regulation 68 for that part of paragraph (3) which precedes the proviso there shall be substituted the following:—

"(3) The amount of the said allowances shall be according to the following scale:—

Description of Allowance	Superintendents	Inspectors	Sergeants and Constables
	s. d.	s. d.	s. d.
Refreshment Allowance—			
(i) for one meal...	3 6	3 0	2 6
(ii) for two meals	5 0	4 6	4 0
Subsistence Allowance—			
Period of retention or engagement:			
(i) over 5 hours and not exceeding 8 hours	5 0	4 6	4 0
(ii) over 8 hours and not exceeding 12 hours	7 6	6 6	5 6
(iii) over 12 hours and not exceeding 24 hours	12 0	10 0	9 0
(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 scale for any excess over the aggregate of such complete periods.			
Lodging Allowance—	s. d.	s. d.	s. d.
For each night	18 0	14 0	12 0"

16. In Regulation 71 in paragraph (2) for the words "extended hours of police duty" there shall be substituted the word "overtime".

17. In Regulation 72 for paragraph (1) there shall be substituted the following paragraph:—

"(1) A member of a police force who is required for a continuous period exceeding one week to perform the duties of another member of the force holding a higher rank than his own, either to fill a temporary vacancy or for some other special purpose, shall be granted in respect of such service after the said week an allowance in addition to his pay, at a rate equal to the difference between his pay and the lowest rate of pay for that higher rank. No such allowance shall, except with the approval of the Secretary of State, be payable for a longer period than three months."

18. In Regulation 74 for the words "extended hours of duty" there shall be substituted the word "overtime".

19. In Regulation 75 for the words "Detective Allowance or any other allowance" there shall be substituted the words "detective duty allowance, detective expenses allowance or any other allowance".

20. In Regulation 90 in paragraph (3) after the words "under the Police Pensions Acts, 1921 and 1926(a)" there shall be inserted the words "or under Regulations made under the Police Pensions Act, 1948(b)".

(a) 11 & 12 Geo. 5. c. 31 ; 16 & 17 Geo. 5. c. 34.
(b) 11 & 12 Geo. 6. c. 24.

21. After the Third Appendix there shall be added the following Appendix:—

"FOURTH APPENDIX

SCALES OF PAY

	Chief Inspector	Inspector	Sergeant	Constable
On appointment as Constable or on promotion as the case may be	£605 a year	£530 a year	£445 a year	£330 a year
After 1 year of service in the rank	£625 „ „	£545 „ „	£455 „ „	£330 „ „
„ 2 years „ „ „	£645 „ „	£560 „ „	£465 „ „	£340 „ „
„ 3 „ „ „ „		£575 „ „	£475 „ „	£350 „ „
„ 4 „ „ „ „			£485 „ „	£360 „ „
„ 5 „ „ „ „				£370 „ „
„ 6 „ „ „ „				£380 „ „
„ 7 „ „ „ „				£390 „ „
„ 10 „ „ „ „				£400 „ „
„ 15 „ „ „ „				£410 „ „
„ 22 „ „ „ „				£420 „ „"

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Police (Scotland) Regulations which lay down scales of pay and conditions of service for members of police forces in Scotland.

Regulation 1 and the Schedule effect various amendments. Paragraph 1 of the Schedule abolishes the rank of Acting Sergeant. Paragraph 6 deals with the counting of service for promotion. Paragraph 7 deals with the calculation of overtime, with time off for such overtime and for duty on public holidays and weekly rest-days and with payment in lieu of such time off. Paragraphs 10 and 21 lay down increased rates of pay. Paragraph 11 deals with rent allowance. Paragraph 12 continues supplementary allowances for a further year. Paragraph 13 makes provision for a transfer allowance where a member has to move his home. Paragraph 14 deals with detective duty allowance and detective expenses allowance. Paragraph 15 provides increased scales for certain subsistence allowances. Paragraph 17 deals with temporary duty allowance for performing the duties of a higher rank. The remaining paragraphs of the Schedule make amendments which are consequential on the foregoing.

Regulations 2 and 3 provide that the new scales of pay prescribed by paragraph 10 of the Schedule, and the consequential amendments set out in paragraphs 3, 4, 5 and 20 thereof, do not apply to a member serving on the 1st July, 1949, until he has elected under the Police Pensions (Scotland) Regulations, 1949, to have his pension calculated on pay averaged over a three year period.