1971 No. 196 (S.25)

POLICE

The Police (Scotland) Amendment Regulations 1971

Made - - -	*5th February* 1971
Laid before Parliament	*12th February* 1971
Coming into Operation	*15th February* 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 (i) the Police Advisory Board for Scotland in accordance with section 26(9) of the said Act, and (ii) 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 Regulations 1971.

2. These regulations shall come into operation on 15th February 1971, and shall have effect as follows, that is to say—

(*a*) for the purposes of Part II thereof, as from that date;

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

(*c*) for the purposes of Part IV thereof, as from 1st June 1970; and

(*d*) for the purposes of Part V thereof, as from 15th February 1971.

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 15TH FEBRUARY 1971

5. For regulation 6(*a*)(iii) of the principal regulations (which relates to qualifications for appointment of constables) there shall be substituted the following provision :—

"(iii) There are other special circumstances approved by the chief constable ;".

(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. 1969/168, 927, 1586, 1970/425, 1463 (1969 I, p. 429; II, p. 2805; III, p. 5060; 1970 I, p. 1462; III, p. 4796).
(e) 1889 c. 63.

6. For regulation 14(2)(*h*) of the principal regulations (which relates to contents of personal records) there shall be substituted the following provision :—

"(*h*) a record of his service in the police force, including particulars of all promotions, changes of pay, postings, transfers, removals, injuries received, periods of illness, attendances at training courses, commendations, rewards, punishments other than cautions, and the date of his ceasing to be a constable of the police force with the reason, cause or manner thereof :

Provided that punishments shall be expunged after three years free from punishment, other than a caution."

7. For regulation 29(1) of the principal regulations (which relates to the reckoning of previous service) there shall be substituted the following provision :—

"(1) A constable of a police force of a rank higher than that of constable, who voluntarily transferred thereto from some other force in that higher rank, shall be entitled (subject to any contrary agreement) to reckon, for the purposes of the scale of pay for that rank, the service which was so reckonable immediately before he transferred."

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

"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	42	48	48
Any rank higher than that of Superintendent	Not less than 42	Not less than 48	Not less than 48"

(2) For sub-paragraph (2) of the said paragraph 1 there shall be substituted the following provision :—

"(2) In a leave year which began before 1st September 1970, this paragraph shall have effect in relation to a constable holding a rank below that of superintendent as if each of the periods of annual leave set out in the above Table were decreased by a day."

PART III

PROVISIONS TAKING EFFECT AS FROM 1ST JULY 1970

9. For regulation 39(3) of the principal regulations (which relates to the application of regulation 38 to constables assigned to duty with the Scottish Crime Squad) there shall be substituted the following provision :—

"(3) Where a constable to whom this regulation applies does not move his home, then, regulation 38 shall have effect in relation to him—

(*a*) as if for paragraph (1)(*a*)(iii) there were substituted the following provision :—

"(iii) in the opinion of the Scottish Crime Squad Committee of Chief Constables, is not so living for the sole reason that he could not conveniently return daily to the family home ;"

(*b*) as if in paragraph (1)(*b*) for the words "chief constable" there were substituted the words "Scottish Crime Squad Committee of Chief Constables" ;

(*c*) as if in paragraph (1) for the words "30 months" there were substituted the words "24 months" ;

(*d*) as if for paragraph (2)(*a*) and (*b*) there were substituted the following provision :—

"if he were living with his family or, as the case may be, in his former accommodation." ;

(*e*) where he is a widower with a child or children or a married man and, if he were a constable of the force of the police area in which he is for the time being living and entitled to a flat rate allowance under regulation 37, that allowance would be payable at a higher rate than 67s. 0d. a week, as if for the reference in regulation 38(3)(*b*) to the rate of 67s. 0d. a week there were substituted a reference to that higher rate."

10.—(1) For paragraphs (1) and (2) of regulation 42 of the principal regulations (which relates to removal allowance) there shall be substituted the following provisions :—

"(1) Where a constable moves his home otherwise than on voluntary transfer from one force to another, and the removal is, in the opinion of the chief constable, due to the exigencies of police duty or is made at the request of the chief constable and is, in his opinion, in the interests of the efficiency of the force, the police authority—

(*a*) shall either reimburse the reasonably incurred cost of removal or carry out the removal ;

(*b*) shall, where the constable was the owner of his former home, reimburse expenses reasonably incurred by him in connection with the disposal thereof ;

(*c*) shall, where the constable is the owner of his new home, reimburse expenses reasonably incurred by him in connection with the acquisition thereof if—

(i) he was the owner of his former home, or

(ii) the police authority, after consulting the chief constable, are satisfied that he could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of his normal place of duty,

so, however, that where the police authority are of opinion that the constable could have acquired a suitable home for a consideration less than that actually paid, they may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration.

(2) Where a constable moves his home on voluntary transfer from one force to another, the police authority of the force to which he transfers—

(*a*) may either reimburse the reasonable cost of removal or carry out the removal;

(*b*) may, in the circumstances mentioned in paragraph (1)(*b*), reimburse the expenses there mentioned;

(*c*) may, in the circumstances and subject to the conditions mentioned in paragraph (1)(*c*), reimburse the expenses there mentioned."

(2) At the end of the said regulation 42 there shall be added the following provision:—

"(7) In this regulation—

(*a*) any reference to an owner, being an owner of property mentioned in this regulation, is a reference to an occupier thereof whose interest therein is either (i) that of proprietor of the *dominium utile* or, in the case of property not held on feudal tenure, that of proprietor thereof or (ii) a leasehold interest which is neither an interest under a lease (which term includes sublease) from year to year or for a lesser period, or any other lease the unexpired period of which does not exceed a year, nor a furnished tenancy:

Provided that, in the case of property subect to a heritable security constituted by *ex facie* absolute disposition or assignation, the person who, if the debt were discharged, would be entitled to be vested in that property shall, for the purposes of this regulation, be treated as the proprietor or, as the case may be, as the tenant;

(*b*) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's and solicitor's fees and expenses in connection with the discharge, redemption, transfer or taking out of a heritable security."

PART IV

PROVISIONS TAKING EFFECT AS FROM 1ST JUNE 1970

11. In regulation 38(3) of the principal regulations (which relates to supplementary rent allowance)—

(*a*) for the rate "35s." there shall be substituted the rate "47s. 0d.", and

(*b*) for the rate "50s." there shall be substituted the rate "67s. 0d."

12. Regulation 39(3)(*c*) of the principal regulations (which relates to the application of regulation 38 to constables who are assigned to duty with the Scottish Crime Squad) shall have effect as respects the period ending immediately before 1st July 1970 (from which date regulation 9 of these regulations has effect) as if for the reference to the rate of 50s. a week, in both places where it occurs, there were substituted a reference to the rate of 67s. 0d. a week.

13.—(1) For paragraph (2) of regulation 45 of the principal regulations (which relates to plain clothes allowance) there shall be substituted the following provision :—

"(2) A plain clothes allowance payable under paragraph (1) shall be payable at the rate of—

(a) £57 a year, in the case of a superintendent ;

(*b*) £54 a year, in the case of an inspector ;

(*c*) £48 a year, in the case of a sergeant ;

(*d*) £45 a year, in the case of a constable of the rank of constable."

(2) For paragraph (4) of the said regulation 45 there shall be substituted the following provision :—

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

(*a*) 6d. an hour, in the case of an inspector ;

(*b*) 5½d. an hour, in the case of a sergeant ;

(*c*) 5d. an hour, in the case of a constable of the rank of constable."

14. In paragraph 4(2)(*d*) of Schedule 11 to the principal regulations (which relates to the application of regulation 38 to university scholars) for the rate "50s. 0d.", in both places where it occurs, there shall be substituted the rate "67s. 0d."

PART V

PROVISIONS TAKING EFFECT AS FROM 15TH FEBRUARY 1971

15.—(1) In paragraph (2) of regulation 22 of the principal regulations (which relates to overtime) for the words "fractions of a penny being ignored" there shall be substituted the words "so, however, that in making any payment by way of such allowance a fraction of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored,".

(2) In paragraph (7)(*a*) of the said regulation 22 the words "fractions of a penny being ignored" shall be omitted.

16.—(1) In paragraph (4) of regulation 23 of the principal regulations (which relates to public holidays and rest days for lower ranks) for the words "fractions of a penny being ignored" there shall be substituted the words "so, however, that in making any payment by way of such allowance a fraction

of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored."

(2) In paragraph (5)(*b*) of the said regulation 23 the words "fractions of a penny being ignored" shall be omitted.

17. For paragraph (4) of regulation 33 of the principal regulations (which relates to calculation of monthly, weekly and daily pay) there shall be substituted the following paragraph :—

"(4) In making any payment by way of pay a fraction of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored."

18. In regulation 38(3) of the principal regulations, as amended by regulation 11 of these regulations, (which relates to supplementary rent allowance)—

(*a*) for the sum "47s. 0d." there shall be substituted "£2·350", and

(*b*) for the sum "67s. 0d." there shall be substituted "£3·350".

19. In regulation 39(3)(*e*) of the principal regulations, as amended by regulation 9 of these regulations, (which relates to the application of regulation 38 to constables who are assigned to duty with the Scottish Crime Squad for the sum "67s. 0d.", in both places where it occurs, there shall be substituted "£3·350".

20. In regulation 44 of the principal regulations (which relates to footwear allowance) for the sum "3s. 9d." there shall be substituted "£0·188".

21. For paragraph (4) of regulation 45 of the principal regulations, as amended by regulation 13(2) of these regulations, (which relates to plain clothes allowance) there shall be substituted the following paragraph :—

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

(*a*) £0·025 an hour, in the case of an inspector ;

(*b*) £0·023 an hour, in the case of a sergeant ;

(*c*) £0·021 an hour, in the case of a constable of the rank of constable."

22. In regulation 46(2) of the principal regulations (which relates to detective duty and detective expenses allowances) for the sum "10s." there shall be substituted "£0·500".

23. In Schedule 5 of the principal regulations (which relates to refreshment, subsistence and lodging allowances) for the Table in paragraph 1 there shall be substituted the following Table :—

"TABLE

Description of Allowance	Superintendents	Inspectors, Sergeants and Constables
	£	£
Refreshment Allowance:		
(i) for one meal	0·410	0·375
(ii) for two meals	0·600	0·540
Subsistence Allowance:		
Period of retention or engagement on duty—		
(i) over 5 hours and not exceeding 8 hours ...	0·600	0·540
(ii) over 8 hours and not exceeding 12 hours ...	0·875	0·790
(iii) over 12 hours and not exceeding 24 hours ...	1·500	1·300
(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	2·700	2·100"

24. In Schedule 6 of the principal regulations (which relates to motor vehicle allowances :—

(*a*) for the Table in sub-paragraph (1) of paragraph 1 there shall be substituted the following Table :—

"TABLE

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.	86·000	0·033	0·021
1,000 c.c. or more but less than 1,200 c.c.	77·000	0·029	0·019
Less than 1,000 c.c.	69·000	0·026	0·017"

(*b*) for the Table in paragraph 2 there shall be substituted the following Table :—

"TABLE

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·059
1,000 c.c. or more but less than 1,200 c.c.	0·053
Less than 1,000 c.c.	0·047"

25. In paragraph 1 of Schedule 7 of the principal regulations (which relates to bicycle allowance)—

(*a*) for the sum "£11" there shall be substituted "£11·000", and

(*b*) for the sum "£2 15s. 0d." there shall be substituted "£2·750".

26. In paragraph 4(2)(*d*) of Schedule 11 of the principal regulations, as amended by regulation 14 of these regulations, (which relates to the application of regulation 38 to university scholars) for the sum "67s. 0d.", in both places where it occurs, there shall be substituted "£3·350".

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

St. Andrew's House,
Edinburgh.
5th February 1971.

EXPLANATORY NOTE

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

These Regulations amend the Police (Scotland) Regulations 1968.

Part II relates to the appointment as constables of persons over 30 years of age, the expungement of punishments from personal records and annual leave. It revokes the requirement for chief constables to obtain the approval of the Secretary of State to the appointment of persons over 30 years of age. It provides that all punishments will be expunged from a constable's personal record after three years free from punishment other than a caution. Subject to

transitional provision applicable to the current leave year where that began before 1st September 1970, it increases by three days the period of annual leave of a constable who holds a rank below that of superintendent. Regulation 7 amends Regulation 29(1) of the 1968 Regulations relating to the reckoning of previous service for pay purposes by dropping the proviso as otiose.

Part III relates to rent allowances and removal allowances and has effect from 1st July 1970. Regulation 9 amends the provisions of Regulation 39 of the 1968 Regulations relating to the payment of supplementary rent allowances to constables assigned for duty with the Scottish Crime Squad and applies these provisions to unmarried constables. Regulation 10 amends the provisions of Regulation 42 of the 1968 Regulations relating to constables who move home and under which a police authority are in some circumstances required, and in other circumstances have a discretion, to carry out removals or reimburse removal expenses. Where a constable owns his own home, they are required or empowered, in the like circumstances, to reimburse the constable for expenses reasonably incurred by him in disposing of his old home or, where certain conditions are fulfilled, in acquiring his new home.

Part IV, which has effect from 1st June 1970, increases the rates of supplementary rent and plain clothes allowances.

Part V, which has effect from 15th February 1971, provides for the conversion of money rates into decimal terms.

The provision that Parts 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).