STATUTORY INSTRUMENTS

1973 No. 119 (S.4)

POLICE

The Police (Scotland) Amendment Regulations 1973

Made - - -	*25th January* 1973
Laid before Parliament	*2nd February* 1973
Coming into Operation	*23rd February* 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 (i) the Police Council for the United Kingdom in accordance with section 4(4) of the Police Act 1969(**b**) and (ii) the Police Advisory Board for Scotland in accordance with section 26(9) of the said Act of 1967 as amended by section 4(6) of the said Act of 1969, I hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT, OPERATION AND INTERPRETATION

1. These regulations may be cited as the Police (Scotland) Amendment Regulations 1973.

2. These regulations shall come into operation on 23rd February 1973 and shall have effect as from that date except that for the purposes of Part II thereof they shall have effect as from 1st September 1972.

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 TAKING EFFECT AS FROM 1ST SEPTEMBER 1972

5.—(1) In regulation 29(2) of the principal regulations (which relates to rates of pay) for the words "regulations 30, 31, 32 and 33," there shall be substituted the words "regulations 30, 31, 32, 32A and 33,".

(**a**) 1967 c. 77.
(**b**) 1969 c. 63.
(**c**) S.I. 1972/777 (1972 II, p. 2490).
(**d**) S.I. 1972/1206 (1972 II, p. 3573).
(**e**) 1889 c. 63.

(2) After regulation 32 of the principal regulations there shall be inserted the following regulation:—

"Reckoning by constables of service in the Port of London police force

32A. A constable of the rank of constable shall be entitled to reckon for the purposes of the scale of pay for that rank any period of service in the Port of London Authority's police force, that is to say the force of constables appointed under section 154 of the Port of London Act 1968(a).".

6.—(1) For the Tables designated A and B in Part I of Schedule 3 to the principal regulations (scales of pay for men) there shall be substituted, respectively, the Tables so designated and set out in Part I of Schedule 1 to these regulations.

(2) For paragraph 2(6) of Part I of the said Schedule 3 there shall be substituted the following provision:—

"(6) The annual pay of a man to whom sub-paragraph (5) applies who, by virtue thereof, is treated as having completed 2 years of reckonable service shall be restricted until he in fact completes 2 years of such service—

(*a*) if he had not attained the age of 21 years on or before the date on which he first became a constable, to £1,404;

(*b*) subject as aforesaid, to £1,470.".

(3) For the Tables designated A and B in Part II of the said Schedule 3 (scales of pay for women) there shall be substituted, respectively, the Tables so designated and set out in Part II of Schedule 1 to these regulations.

(4) For paragraph 2(6) of Part II of the said Schedule 3 there shall be substituted the following provision:—

"(6) The annual pay of a woman to whom sub-paragraph (5) applies who, by virtue thereof, is treated as having completed 2 years of reckonable service shall be restricted until she in fact completes 2 years of such service—

(*a*) if she had not attained the age of 21 years on or before the date on which she first became a constable, to £1,335;

(*b*) subject as aforesaid, to £1,398.".

7. For the Tables designated A and B in Schedule 4 to the principal regulations (which relates to detective duty and supplementary detective allowances) there shall be substituted, respectively, the Tables so designated and set out in Schedule 2 to these regulations.

PART III

PROVISIONS TAKING EFFECT AS FROM 23RD FEBRUARY 1973

8. For regulation 19 of the principal regulations (which relates to limitation on duties to be assigned to constables statutorily transferred) there shall be substituted the following regulations:—

"Limitation on duties to be assigned to constables statutorily transferred

19.—(1) Where a constable has been statutorily transferred from one force to another then, subject to the provisions of paragraphs (2) and (4), he

(a) 1968 c. xxxii.

shall not, while a constable of the latter force, be assigned without his consent to duties which, in the opinion of the Secretary of State, make it necessary for him to establish his home outside the area for which the former force was maintained.

(2) This regulation shall not apply to a constable who has been statutorily transferred—

(*a*) if, while a constable of the former force, he became a chief constable, or

(*b*) if he is a constable who was first appointed to any police force in the rank of constable after 23rd February 1973, or

(*c*) if he is a constable who has been a constable of a county comprised in a combined area, and was, before 1st May 1968, assigned to such duties as are mentioned in paragraph (1), or

(*d*) if he has given written notice to the chief constable of the police force in which he was at the time of the giving of the said notice a constable of his desire that paragraph (1) should cease to apply to him.

(3) This regulation shall apply in the case of a constable of a police force who served as a central police officer or who ceased to be a constable of a police force and became a serviceman (1939-1945) or a reversionary member of a home police force—

(*a*) where on ceasing to be such, he resumed service in, or as the case may be, exercised his right of reversion to, his former force, as if he had not ceased to be a constable of that force, or

(*b*) where on ceasing to be such, he resumed service in, or as the case may be, exercised his right of reversion to, some other force to which constables of his former force had been statutorily transferred, as if he had been statutorily transferred from his former force to that other force.

(4) Where a constable has been statutorily transferred on more than one occasion the first such transfer shall be the statutory transfer for the purposes of this regulation, provided that, for the purpose of determining the first such transfer,—

(*a*) in the case of a constable who has been re-appointed as a constable since ceasing to be a constable of any police force any appointment or statutory transfer before he ceased to be a constable shall be disregarded and

(*b*) in the case of a constable who has voluntarily transferred from one force to another all statutory transfers (previous to the voluntary transfer) shall be disregarded.

(5) For the purposes of this regulation—

(*a*) a reference to a constable being statutorily transferred shall have the same meaning as a reference to a constable being statutorily transferred from one force to another in regulation 1(2)(*d*) and the expression "statutory transfer" shall be construed accordingly;

(*b*) with reference to a statutory transfer the expressions "former force" and "latter force" mean, respectively, for any one such transfer, the police force from which and to which the constable was statutorily transferred;

(*c*) subject to the provisions of regulation 1(2)(*h*), the expression "police force" means any police force established by or under the Police (Scotland) Act 1946, or the Police (Scotland) Act 1956, or the Police (Scotland) Act 1967 or the Police Act 1964.".

9. At the end of regulation 21 of the principal regulations (which relates to normal daily period of duty) there shall be added the following provision:—

"(4) Where a constable performs his normal daily period of duty in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.".

10. For regulation 22 of the principal regulations (which relates to overtime) there shall be substituted the following regulation:—

"Overtime

22.—(1) Subject to, and in accordance with, the provisions of this regulation and in the cases and circumstances hereinafter mentioned, a constable who remains on duty after his tour of duty ends or is recalled to duty between 2 tours of duty shall be compensated in respect of each unit of time during which he remains on duty after his tour of duty ends or after being so recalled (hereafter in these regulations referred to as "overtime"):

Provided that such a constable shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 23, 58 or 61.

(2) A constable of the rank of constable or sergeant to whom regulation 21 applies and who is not paid a detective duty allowance shall, subject to paragraph (7), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day's pay for each unit of overtime worked by him during that week 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:

Provided that such a constable may, before the expiry of any pay period, elect, in respect of any unit of overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (6) and, where in accordance therewith he receives time off in respect of any overtime no allowance in respect thereof shall be payable under this paragraph.

(3) Where on any special occasion an inspector to whom regulation 21 applies and who is not paid a detective duty allowance works overtime, paragraph (2) shall apply in his case as if he were a constable there mentioned but as if any reference therein to overtime were a reference to overtime worked on a special occasion.

(4) Where on any special occasion a constable, sergeant or inspector to whom regulation 21 applies and who is paid a detective duty allowance is

required to do duty in connection with that special occasion and remains on such duty beyond his normal daily period of duty, paragraph (2) shall apply in his case as if he were a constable there mentioned but as if any reference therein to overtime were a reference to overtime worked while so remaining on duty.

(5) An inspector to whom regulation 21 applies and who is not paid a detective duty allowance shall, subject to paragraph (7), in respect of overtime worked by him during any week (otherwise than on a special occasion), be granted time off subject to and in accordance with paragraph (6).

(6) Subject to the exigencies of duty, where by virtue of an election under the foregoing paragraphs or by virtue of paragraph (5) time off falls to be granted to a constable in respect of any overtime worked by him in any week then, within such time (not exceeding 3 months) after the said week as the chief constable may fix, he shall grant to the constable time off equal, subject to paragraph (7), to the period of that overtime worked by him during that week and, in addition, for each 3 units of such overtime, an additional unit of time off.

(7) Paragraphs (2) to (6) shall have effect in relation to casual overtime subject to the following provisions of this paragraph, that is to say—

(*a*) for the purposes of the said paragraphs, no account shall be taken of any casual overtime for which, but for this paragraph, a constable would be compensated unless the aggregate number of units of such casual overtime worked by him during a fortnight is, subject to sub-paragraph (*b*), 12 or more;

(*b*) for the purposes of the said paragraphs and of sub-paragraph (*a*), no account shall be taken of any period of less than 2 units of casual overtime worked on any occasion;

(*c*) any reference in the said paragraphs to a week shall be construed as a reference to a fortnight.

(8) In computing any period of overtime for the purposes of this regulation—

(*a*) where the constable is engaged in casual escort duty, account shall be taken only of—

(i) time during which he is in charge of the person under escort,

(ii) such other time as is necessarily spent in travelling to or from the place where the constable is to take charge of, or hand over, the person under escort, as the case may be, and

(iii) any other time that may be allowed by the chief constable:

Provided that, if the constable is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period, not exceeding eight hours, during which the constable is not in charge of the person under escort as he considers appropriate in the circumstances.

(*b*) where the tour or tours of duty does not or do not amount in the aggregate to more than the normal daily 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 daily period of duty, and

(*c*) where a constable—

(i) has completed a full tour of night duty which ends at any time after 2 a.m. and before 10 a.m.,

(ii) is recalled to duty before $9\frac{1}{2}$ hours have elapsed from the time when such tour of duty ended, and

(iii) is entitled to reckon less than 16 units of overtime, disregarding any overtime reckonable by virtue of regulation 23A,

he shall be deemed on that occasion to have worked for such period that he is entitled to reckon 16 units of overtime together with any units of overtime reckonable by virtue of regulation 23A. For the purposes of this sub-paragraph, where a constable does not complete a full tour of duty by reason only of having been granted time off in respect of overtime already worked, he shall nevertheless be treated as if he had at the time at which he went off duty, completed a full tour of duty.

(9) For the purposes of this regulation—

(*a*) the following expressions have the meanings hereby respectively assigned to them, that is to say—

"casual overtime" means a period of overtime of less than 4 units during which a constable remains on duty after his tour of duty ends, other than a period in respect of which the constable was informed at the commencement of his tour that he would be required to remain on duty after his tour ended;

"a day's pay" means a week's pay divided by 5;

"fortnight" means that period of 14 days beginning with such day as is fixed by the chief constable;

"pay period" means the period for which, in pursuance of regulation 36, a constable is paid;

"special occasion" means an occasion designated as such for the purposes of this regulation by the chief constable;

"unit" means a complete quarter of an hour;

"week" means that period of 7 days beginning with such day as is fixed by the chief constable; and

(*b*) references to a constable recalled to duty shall not include a reference to a constable who is only warned to be in readiness for duty if required.".

11.—(1) For paragraphs (3) and (4) of regulation 23 of the principal regulations (which relates to public holidays and rest days for lower ranks) there shall be substituted the following provisions:—

"(3) Such a constable who is required to do duty on a public holiday or a day which would otherwise have been a rest day shall, subject to paragraph (4) be granted an allowance at the rate of 3 sixty-fourths of a day's pay for each quarter of an hour of duty on each such day 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.

(4) Such a constable who is required to do duty on a public holiday or a day which would otherwise have been a rest day and is given less than 29 days notice of the requirement may, within 28 days of the day in question, elect to receive time off equal to one and a half times the period of completed quarters of an hour of duty on the day in question and, in such case—

(*a*) subject to the exigencies of duty, the chief constable shall grant such time off within such time (not exceeding 3 months) as he may fix, and

(*b*) subject to such time off being granted, no allowance in respect of the day in question shall be payable under paragraph (3).".

(2) For paragraphs 5(*c*), (*g*), (*h*) and (*i*) of the said regulation 23 there shall be substituted the following provisions:—

"(*c*) a period of less than 16 completed quarters of an hour of duty on a public holiday or on a day which would otherwise have been a rest day shall be treated as though it were a period of 16 completed quarters of an hour of duty;" and

"(*g*) where a constable is required to do duty on a public holiday or on a day which would otherwise have been a rest day, his period of duty shall include the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable limit as may be fixed by the chief constable save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—

(i) which together with the constable's period of duty exceeds 6 hours, or

(ii) which is treated as a period of duty under regulation 23A; and

(*h*) the expression "year" means that period of 12 months beginning on such date as may from time to time be determined by the chief constable.".

12. After regulation 23 of the principal regulations there shall be inserted the following regulation:—

"*Travelling time treated as duty*

23A.—(1) This regulation shall apply where a constable, having been—

(*a*) required to perform his normal daily period of duty in more than one tour of duty, or

(*b*) recalled to duty between two normal daily periods of duty,

travels to and from his home between each said tour of duty or, as the case may be, in consequence of his recall (in this regulation referred to as "relevant travelling").

(2) In computing any period of overtime for the purposes of regulation 22 or any period of duty for the purposes of regulation 23 the time occupied by such a constable in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief constable, shall be treated as a period of duty.

(3) For the purposes of regulation 53, the use of a motor vehicle for relevant travelling shall be treated as such use for the purpose of duties performed by the constable concerned.

(4) Relevant travelling expenses shall be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under these regulations, the constable concerned shall be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the police authority may fix.".

13. At the end of regulation 29 of the principal regulations (which relates to rates of pay) there shall be added the following provision:—

"(6) For the purposes of paragraph (2) service in the rank of superintendent, Grade I or Grade II, shall be treated as if it had been service in the rank of superintendent.".

14. At the end of regulation 49 of the principal regulations (which relates to detective duty and detective expenses allowances) there shall be added the following provisions:—

"(3) Where over a continuous period of 3 or more days such a constable below the rank of superintendent is required to perform his normal daily period of duty in connection with a special occasion (within the meaning of regulation 22) then, in respect of any day included in the said period other than the first 2—

(*a*) his detective duty allowance shall not be payable;

(*b*) in relation to him regulations 22 and 50(2) shall have effect as though he were a constable to whom a detective duty allowance is not payable

but, subject as aforesaid, he shall be treated as a constable to whom a detective duty allowance is payable.

(4) Regulation 35 shall apply to the calculation of a detective duty allowance as it applies to the calculation of pay.".

15.—(1) In regulation 50(2) of the principal regulations (which relates to supplementary detective allowances) for the words "paragraph (6)" there shall be substituted the words "paragraph (4)".

(2) The reference to regulation 22(4) in the said regulation 50(2), as amended as aforesaid, shall be construed as including a reference to regulation 22(6) of the principal regulations, as originally made.

16. For paragraph 3 of Schedule 2 to the principal regulations (annual leave) there shall be substituted the following provision:—

"3. Notwithstanding anything in paragraphs 1 and 2, where the chief constable is satisfied that, in any leave year, the grant to, or taking by, a constable below the rank of superintendent of the full period of annual leave specified in those paragraphs has been prevented by the exigencies of duty or otherwise, then the chief constable may, in his discretion and subject to the exigencies of duty, grant to the constable, during the first 2 months of the following leave year, additional days of annual leave not exceeding the number of days not granted or taken so, however, that a chief constable shall not exercise his discretion so as to grant more than 6 additional days of annual leave to a constable unless he is satisfied that there are exceptional circumstances and it is in the interests of efficiency so to do.".

17. Regulation 14(2) and (3) of the Police (Scotland) Amendment (No. 2) Regulations 1972 (transitional provisions) is hereby revoked.

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

St. Andrew's House,
Edinburgh.
25th January 1973.

SCHEDULE 1

PART I

TABLES SUBSTITUTED FOR TABLES IN PART I OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS (SCALES OF PAY FOR MEN) WITH EFFECT FROM 1ST SEPTEMBER 1972

"TABLE A

Rank	Before completing 1 year of service in the rank	After 1 year of service in the rank	After 2 years of service in the rank	After 3 years of service in the rank
	a year £	a year £	a year £	a year £
Chief Inspector	2,829	2,922	3,012	3,105
Inspector	2,475	2,562	2,658	2,751
Sergeant	2,100	2,184	2,262	2,343

TABLE B

Reckonable service	Standard scale of annual pay	Transitional scales of annual pay			
		Aged 19 on entry	Aged 20 on entry	Aged 21 on entry	Aged 22 or over on entry
	£	£	£	£	£
Before completing 1 year of service	1,251	1,251	1,284	1,335	1,398
After 1 year of service	1,320	1,320	1,341	1,404	1,467
After 2 years of service	1,464	1,464	1,464	1,533	1,578
After 3 years of service	1,533	1,533	1,533	1,602	1,647
After 4 years of service	1,602	1,602	1,602	1,695	1,716
After 5 years of service	1,695	1,695	1,695	1,695	1,788
After 6 years of service	1,788	1,788	1,788	1,788	1,878
After 7 years of service	1,788	1,788	1,788	1,878	1,878
After 8 years of service	1,788	1,788	1,878	1,878	1,878
After 9 years of service	1,878	1,878	1,878	1,878	1,878
After 13 years of service ...	1,971	1,971	1,971	1,971	1,971
After 17 years of service ...	2,061	2,061	2,061	2,061	2,061"

PART II

TABLES SUBSTITUTED FOR TABLES IN PART II OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS (SCALES OF PAY FOR WOMEN) WITH EFFECT FROM 1ST SEPTEMBER 1972

"TABLE A

Rank	Before completing 1 year of service in the rank	After 1 year of service in the rank	After 2 years of service in the rank	After 3 years of service in the rank
	a year £	a year £	a year £	a year £
Chief Inspector	2,688	2,775	2,862	2,949
Inspector	2,352	2,433	2,526	2,613
Sergeant	1,995	2,076	2,148	2,226

TABLE B

Reckonable service	Standard scale of annual pay	Transitional scales of annual pay			
		Aged 19 on entry	Aged 20 on entry	Aged 21 on entry	Aged 22 or over on entry
	£	£	£	£	£
Before completing 1 year of service	1,188	1,188	1,221	1,269	1,329
After 1 year of service	1,254	1,254	1,275	1,335	1,395
After 2 years of service	1,392	1,392	1,392	1,455	1,500
After 3 years of service	1,455	1,455	1,455	1,521	1,566
After 4 years of service	1,521	1,521	1,521	1,611	1,629
After 5 years of service	1,611	1,611	1,611	1,611	1,698
After 6 years of service	1,698	1,698	1,698	1,698	1,785
After 7 years of service	1,698	1,698	1,698	1,785	1,785
After 8 years of service	1,698	1,698	1,785	1,785	1,785
After 9 years of service	1,785	1,785	1,785	1,785	1,785
After 13 years of service ...	1,872	1,872	1,872	1,872	1,872
After 17 years of service ...	1,959	1,959	1,959	1,959	1,959"

SCHEDULE 2

TABLES SUBSTITUTED FOR TABLES IN SCHEDULE 4 TO THE PRINCIPAL REGULATIONS (DETECTIVE DUTY AND SUPPLEMENTARY DETECTIVE ALLOWANCES) WITH EFFECT FROM 1ST SEPTEMBER 1972

"TABLE A

Rank	Men	Women
	£	£
Superintendent	345	327
Chief Inspector ...	297	282
Inspector	261	249
Sergeant	222	210
Constable	165	156

TABLE B

Rank	8 to 12 hours qualifying overtime		12 or more hours qualifying overtime	
	Men	Women	Men	Women
	£	£	£	£
Chief Inspector ...	246	234	444	420
Inspector	216	207	390	372
Sergeant	183	174	330	312
Constable	138	129	249	231"

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1972.

Part II of these regulations (regulations 5 to 7) relates to the pay and allowances of constables. It has effect as from 1st September 1972.

Regulation 5 provides that, for the purposes of pay, a constable of the rank of constable may reckon previous service in the Port of London police force.

Regulation 6 provides for increases in pay and regulation 7 for increases in detective duty and supplementary allowances.

Part III of these regulations (regulations 8 to 17) relates to limitation of duties to be assigned to constables statutorily transferred, duty, overtime and leave. It has effect from 23rd February 1973, the date on which the regulations come into operation.

Regulation 8 of these regulations extends the provisions of regulation 19 of the regulations of 1972 principally to cover cases in which there has been more than one statutory transfer or where a constable has voluntarily joined a combined force, either on first appointment or by transfer. Regulation 8 does not apply to constables who are first appointed on or after the date of coming into operation of the regulations.

Regulations 9 and 12 provide that where a constable performs his normal daily period of duty in more than one tour either he shall be allowed a rest period while on duty (regulation 9) or, if he returns home between tours, his journeys to and from home shall be treated as duty (regulation 12, which makes similar provision where a constable is recalled for duty between two normal daily periods of duty).

The regulations of 1972 provide that a constable who works overtime, on a rest day or on a public holiday shall, in certain cases and circumstances, receive compensation which takes the form either of an allowance or of time off; regulations 10 and 11 of these regulations provide that in specified cases and circumstances the constable may choose between these two forms of compensation and regulation 15 makes a consequential amendment.

Regulation 13 incorporates in the regulations of 1972 the transitional provision relating to the reckoning of service contained in the provisions of the Police (Scotland) Amendment (No. 2) Regulations 1972 which are revoked by regulation 17.

Regulation 14 provides that a constable entitled to a detective duty allowance who is required to perform his daily duty in connection with a prolonged special occasion shall, after the first two days of that occasion, instead of receiving his allowance receive compensation for overtime worked on the same basis as a constable not entitled to such an allowance.

Regulation 16 relaxes the provisions governing the carrying over of leave from one leave year to the next by a constable below the rank of superintendent by permitting, in exceptional cases, the carrying over of a period in excess of 6 days.

The provision that regulations 5 to 7 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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