STATUTORY INSTRUMENTS

1977 No. 1016 (S. 77)

POLICE

The Police (Scotland) Amendment Regulations 1977

Made - - - -	10*th June* 1977
Laid before Parliament	20*th June* 1977
Coming into Operation	27*th June* 1977

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 Regulations 1977.

2.—(1) These regulations shall come into operation on 27th June 1977 and shall have effect—

(*a*) for the purposes of Part II thereof as from 1st September 1976;

(*b*) for the purposes of Part III thereof as from 1st January 1977.

(2) In the case of a constable for whom 1st September 1976 was not the first day of a pay period, the days between 31st August 1976 and the beginning of the next pay period shall be treated as a pay period for the purposes of Part II of these regulations.

3. In these regulations any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1976(**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 FROM 1ST SEPTEMBER 1976

5.—(1) This regulation shall have effect, notwithstanding anything in the principal regulations, for the purpose of increasing the pay of a constable

(**a**) 1967 c. 77. (**b**) 1969 c. 63. (**c**) S.I. 1976/1073 (1976 II, p. 2796).
(**d**) There is no amendment which relates expressly to the subject matter of these regulations.
(**e**) 1889 c. 63.

of a rank not higher than chief inspector, but any allowance under the principal regulations shall be calculated as if this regulation had not been made.

(2) There shall be paid as additional pay to such a constable in respect of any pay period a sum equal to 5 per cent of the total of his pay under Schedule 3 to the principal regulations for that period and the relevant payments payable to him in that period:

Provided that if this sum—

(*a*) is less than £2.50 per week, the sum payable shall be £2.50 per week;

(*b*) is more than £4 per week, the sum payable shall be £4 per week.

(3) Where the length of a pay period is less than one week, the preceding paragraph shall be applied on the basis of weekly averages for the period calculated by reference to the proportion that 7 bears to the number of days in the period.

(4) Paragraph (2) of this regulation shall apply to a pay period which is a calendar month as if the references to £2.50 per week and £4 per week were respectively references to £10.87 and £17.39 for the period.

(5) In this regulation references to relevant payments are references to payments under any of the following provisions of the principal regulations—

(*a*) Regulation 22 (overtime);

(*b*) Regulation 23 (allowance for duty on public holidays and rest days);

(*c*) Regulation 40(1) (allowances approved by Secretary of State);

(*d*) Regulation 57 and Schedule 10 (dog handler's allowance);

(*e*) Regulation 59 (special area undermanning allowance);

(*f*) Regulation 60 (extra duty allowance);

(*g*) Regulation 61(2) (temporary duty allowance);

(*h*) Regulation 63 (allowances approved by Secretary of State).

PART III

PROVISIONS HAVING EFFECT AS FROM 1ST JANUARY 1977

6. For Schedule 5 to the principal regulations (Motor Vehicle Allowances In Respect of Motor Cars) there shall be substituted the Schedule set out in the Schedule to these regulations.

Bruce Millan,

One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
10th June 1977.

SCHEDULE *Regulation 6*

Regulation 54 SCHEDULE 5

MOTOR VEHICLE ALLOWANCES IN RESPECT OF MOTOR CARS

1.—(1) For the purpose of Regulation 54 and of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

"authorised use" means the use, authorised under Regulation 54, of a motor vehicle owned by the constable of a police force concerned for the purposes of his duties as a constable of that force or, where he has been statutorily transferred from one force to another force, as a constable of either of those forces, and "period of authorised use" means the period during which such use is authorised;

"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 Vehicle (Excise) Act 1971(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 twelve months beginning on 1st May;

and a reference to a motor vehicle owned by a constable is a reference to such a vehicle kept and used by him.

(2) For the purposes of this Schedule any reference to Table A or C is a reference to the Table so designated for those purposes as shall be determined hereunder by the Secretary of State.

2.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraph (2) and (3).

(2) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question—

(*a*) where the cylinder capacity of the motor car in question is under 1,751 c.c., at the annual rate set out opposite the cylinder capacity of the car in the second column of Table A;

(*b*) where the cylinder capacity of the motor car in question is 1,751 c.c. or more, at such annual rate as is approved by the Secretary of State.

(3) The mileage element shall be calculated, in relation to the first 9,000 miles of authorised use in the year in question, at the basic rate set opposite the cylinder capacity of the motor car in question in the forth column of Table A and, in relation to any further authorised use in that year, at the reduced rate so set out in the fifth column of the said Table except that, where the cylinder

(a) 1971 c. 10.

capacity of the motor car in question is 1,751 c.c. or more, the mileage element shall be calculated at such basic and reduced rates, respectively, as are approved by the Secretary of State.

(4) Where in any year a motor vehicle allowance is payable at the essentiai user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine: but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.

(5) Where in any year a motor vehicle allowance is payable at the essential user's rate to a constable of a police force and he is on sick leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Secretary of State, determines appropriate in all the circumstances.

(6) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (3) shall have effect as if for the reference to 9,000 miles there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.

3. Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate set opposite the cylinder capacity of the motor car in question in the second column of Table C except that—

(*a*) subject to sub-paragraph (*b*), where the cylinder capacity of that motor car is 1,751 c.c. or more, the amount of the allowance shall be calculated at such rate as is approved by the Secretary of State;

(*b*) where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with paragraph 2.

4. The amount of a motor vehicle allowance payable to a constable of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief constable, with the approval of the police authority, has determined appropriate for use for the purposes of the duties normally performed by the constable concerned.

5.—(1) Where in any year a change is made in Table A and C with effect from a date specified by the Secretary of State (hereinafter referred to as the "specified date") then, unless the specified date is 1st May, as respects that year a motor vehicle allowance shall be calculated subject to the provisions of this paragraph.

(2) So far as the allowance falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed, on or after the specified date, it shall be calculated by reference to the changed Tables but, save aforesaid, the allowance shall be calculated as if the Tables had not been changed.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1976; for the purposes of Regulations 5 and 6 they have retrospective effect as hereinafter mentioned (this is authorised by Section 26(3) of the Police (Scotland) Act 1967). Regulation 5 increases (with effect from 1st September 1976) the emoluments of police officers of rank not higher than chief inspector. The amount of the increase is 5 per cent of the officer's pay and certain allowances subject to a minimum of £2.50 a week and a maximum of £4 a week. The increase is wholly pensionable. Regulation 6 abolishes (with effect from 1st January 1977) the distinction between standard and abated rates of the fixed element of the motor vehicle allowance payable to a police officer whose duties make it essential that he should have a motor vehicle at his disposal.

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