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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 257**

**The Police (Scotland) Regulations 2004**

**PART 4**

**PAY**

**Pay**

**24.**—(1) Subject to the following provisions of this Part, the pay of members of police forces shall be determined by the Scottish Ministers, and in making such a determination the Scottish Ministers may—

- (a) confer such functions in relation to the pay of members of a police force above the rank of chief superintendent on the police authority;
- (b) where the pay of a member of a police force of the rank of chief inspector or below is payable subject to such conditions as may be specified in the determination, confer on a member of a police force senior in rank to that member, or a person employed by the police authority under section 9 of the 1967 Act, such functions in relation to those conditions,

as they think fit.

(2) Subject to regulations 42 to 44 and sections 38 and 38A of the 1967 Act in reckoning the service of a member of a police force in any rank for the purposes of pay, account shall be taken of all that member's service in that rank, whether in that or another police force, and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

(3) For the purposes of this regulation in reckoning a member's service in any rank—

- (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which the member is entitled to reckon as pensionable service;
- (b) except where the police authority in the circumstances of a particular case otherwise determine with the approval of the Scottish Ministers, no account shall be taken of any previous service in that rank which terminated in that member's reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which that member was reduced;
- (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 27;
- (d) any period of unpaid leave shall be disregarded;
- (e) any part-time service shall be taken into account as though it were full-time service;
- (f) in the case of a female member who has taken one or more periods of maternity leave—
  - (i) where that leave has been for eighteen weeks or more, account shall be taken of the first eighteen weeks whilst on maternity leave;
  - (ii) where that leave has been for less than eighteen weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the eleventh week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 33(4), served continuously as a member of a police force for a period of not less than a year, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (g) in the case of a female member who has taken one or more periods of maternity leave—
  - (i) where that leave has been for twenty six weeks or more, account shall be taken of the first twenty six weeks whilst on maternity leave;
  - (ii) where that leave has been for less than twenty six weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the fourteenth week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 33(4), served continuously as a member of a police force for a period of not less than a twenty six weeks, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (h) account shall be taken of any period of maternity support leave, parental leave and adoption support leave taken in accordance with a determination under regulation 33(8)(a), (b) and (d);
- (i) account shall be taken of the first twenty seven weeks of adoption leave taken in accordance with a determination under regulation 33(8)(c),

and, in the case of a member of a police force of a rank higher than that of chief inspector, paragraph (2) shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in that or another force, not being a force from which that member was statutorily transferred to that member's present force.

(4) Noting in this regulation shall affect the operation of any provisions of the Conduct Regulations and, in relation to a member of a police force suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 2 or of paragraph 4 thereof shall have effect.

(5) A determination under paragraph (1) shall have effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 32.

## **Overtime**

**25.—(1)** Subject to the provisions of this regulation, the Scottish Ministers shall determine the circumstances and manner in which a member of a police force shall be compensated in respect of time—

- (a) for which that member remains on duty after that member's tour of duty ends; or
- (b) for which that member is recalled between two tours of duty; or
- (c) which forms part of a tour of duty which that member is required to begin earlier than the rostered time without due notice and on a day when that member has already completed that member's normal daily period of duty,

and such time is referred to in these Regulations as "overtime".

- (2) For the purposes of this regulation—

"due notice" means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;

"normal daily period of duty" shall be construed in accordance with regulation 22;

“recall” does not include a warning to be in readiness for duty if required; and  
“tour of duty”, in relation to a member of a police force for whom variable shift arrangements are in operation under regulation 22 (1)(c), means rostered shift.

(3) In making a determination under paragraph (1), the Scottish Ministers may confer on the chief constable discretion:

- (a) to fix the day on which a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for overtime is to be granted;
- (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.

### **Public holidays and rest days**

26.—(1) The Scottish Ministers shall determine the circumstances and manner in which a member of a police force shall be granted leave or otherwise compensated in respect of time spent on duty on—

- (a) public holidays; or
- (b) rostered rest days,

and in this regulation “rostered rest day”, in relation to a member of a police force who is required to do duty on that day, means a day which according to the duty roster was, immediately before that member was so required to do duty, to have been a rest day for that member.

(2) In making a determination under paragraph (1) the Scottish Ministers may confer on the chief constable discretion—

- (a) to fix the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) to fix a limit on the time occupied by a member of a police force in travelling to and from that member’s place of duty which is to be included in a period of duty for the purposes of the determination.

(3) In this regulation “public holiday” means Christmas Day, New Year’s Day and each of 6 other days, being as far as practicable local public holidays and in any year where Christmas Day, 26th December or New Year’s Day falls on a Saturday or Sunday the 6 other days shall be increased by 1 for each day on which Christmas Day, 26th December or New Year’s Day falls on a Saturday or Sunday.

### **Temporary salary and temporary promotion**

27. The Scottish Ministers shall determine—

- (a) the circumstances in which a member of a police force is entitled to receive a temporary salary and the rate of that salary; and
- (b) the rate of that member’s salary while temporarily promoted.

### **Sick pay**

28. The Scottish Ministers shall determine the entitlement of members of police forces to pay during periods of sick leave taken in accordance with a determination under regulation 33(5), and in making such a determination the Scottish Ministers may confer on the chief constable discretion to allow a member of a police force to receive more pay than that specified in the determination.

### **Maternity pay, maternity support leave pay, adoption pay and adoption support leave pay**

**29.**—(1) The Scottish Ministers shall determine the entitlement of members of police forces to pay during periods of maternity and maternity support leave.

(2) The Scottish Ministers shall determine the entitlement of members of police forces to pay during periods of adoption and adoption support leave.

### **Fixing of pay day and calculation of monthly, weekly and daily pay**

**30.**—(1) The intervals at which members of a police force are to be paid shall be fixed by the police authority in accordance with such rules as the Scottish Ministers may determine.

(2) The Scottish Ministers shall determine the manner of calculating monthly, weekly and daily pay.

### **Deductions from pay of social security benefits and statutory sick pay**

**31.**—(1) There shall be deducted from the pay of a member of a police force who is in receipt of full pay—

- (a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) Act 1994(1); and
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits Act 1992(2),

and for the purposes of sub-paragraph (a) any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a female member of a police force, who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits Act 1992 at the reduced rate, shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

(3) In this regulation, “full pay” means pay at the rate ascertained from regulation 24 and the determination made thereunder.

### **University scholars**

**32.** The Scottish Ministers shall determine how Part 3 and this Part of these Regulations and any determination made thereunder shall have effect in relation to a university scholar, and in making such a determination the Scottish Ministers may confer on the police authority discretion to determine whether or not the conditions subject to which a university scholar is entitled to any payment under this Part are met.

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(1) 1994 c. 18.  
(2) 1992 c. 4.