
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 257

The Police (Scotland) Regulations 2004

PART 7

RECKONING OF SERVICE

Reckoning of service in the Police Service of Northern Ireland

40.—(1) Where a member of a police force joined or rejoined that force having left the Police Service of Northern Ireland, on or after 17th December 1969, for that purpose or on exercising the right of reversion conferred prior to 1st April 1995 by section 2(1) of the Police Act 1969⁽¹⁾ and on or after that date by section 38A of the 1967 Act⁽²⁾ then, for the purposes of regulation 24, that member's service in any rank in the Police Service of Northern Ireland shall be treated as if it were service in the corresponding rank in the police force that member joined or rejoined as aforesaid:

Provided that in the case of a member of a police force of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the Police Service of Northern Ireland not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the Police Service of Northern Ireland designated by the Scottish Ministers for the purposes hereof as the rank corresponding to the rank in question.

Reckoning of service in the British Transport Police Force

41.—(1) Where a member of a police force joined or rejoined that force having left the British Transport Police Force, on or after 1st September 1994 then, for the purposes of regulation 24, that member's service in any rank in the British Transport Police Force shall be treated as if it were service in the corresponding rank in the police force that that member joined or rejoined as aforesaid:

Provided that in the case of a member of a police force of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the British Transport Police Force not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the British Transport Police Force designated by the Scottish Ministers for the purposes hereof as the rank corresponding to the rank in question.

(1) 1969 c. 63.

(2) Section 38A was inserted by section 60 of the Police and Magistrates' Courts Act 1994 (c. 29).

Reckoning by constables of service in certain constabularies

42.—(1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank any period of service in a constabulary mentioned in paragraph (2).

(2) The constabularies referred to in paragraph (1) are—

- (a) the Ministry of Defence Police, that is to say the force established by section 1 of the Ministry of Defence of Police Act 1987⁽³⁾ or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923⁽⁴⁾ on the nomination of the Defence Council or, before 1st April 1964, of the Admiralty, Army Council or Air Council;
- (b) the Port of Tilbury Constabulary or, before the coming into force of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992⁽⁵⁾ 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⁽⁶⁾.

Reckoning of service in an airport constabulary

43.—(1) Where a member of an aerodrome constabulary has been transferred to a police force by an order under section 30 of the Aviation Security Act 1982⁽⁷⁾ then, for the purposes of regulation 24, that member’s service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police force.

(2) In this regulation “an aerodrome constabulary” is a reference to such a constabulary within the meaning of the Aviation Security Act 1982⁽⁸⁾ and a reference to a rank in such a constabulary corresponding to a rank in a police force is a reference to a rank in that constabulary designated for the purposes hereof by the Scottish Ministers as the rank corresponding to the rank in question.

Reckoning by constables of overseas police service

44.—(1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank the following periods of service, that is to say, any period of—

- (a) certified overseas police service such as is mentioned in paragraph (2);
- (b) certified service in the British South Africa Police such as is mentioned in paragraph (3);
- (c) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (4),

notwithstanding that such service is not service in the rank of constable in a police force in Great Britain.

(2) The reference in paragraph (1) to certified overseas police service is a reference to—

- (a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948⁽⁹⁾, a dependent territory within the meaning of the British Nationality Act 1981⁽¹⁰⁾ or, where appropriate, the territory or country wherein the colony, protectorate or protected state or dependent territory was incorporated after the

(3) 1987 c. 4.

(4) 1923 c. 11.

(5) S.I.1992/284.

(6) 1968 c.xxxii.

(7) 1982 c. 36; section 30 was amended by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 67.

(8) 1982 c. 36.

(9) 1948 c. 56.

(10) 1981 c. 61.

inception of the service, subject to it having been certified by or on behalf of the Secretary of State that—

- (i) the service was, at its inception, pensionable; and
 - (ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question; or
- (b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that—
- (i) the person concerned so served under a contract of service;
 - (ii) immediately before the person ceased so to serve, the person concerned was, for the purposes of section 12 of the Overseas Development and Co-operation Act 1980⁽¹¹⁾, a person designated in accordance with such an agreement as is therein mentioned; and
 - (iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that the said reference in paragraph (1) does not include a reference to service relevant under section 3AA(1)(e) or (f) of the 1967 Act where that member has a right of reversion under section 38A(3).

(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, or after that date, as the person concerned ceased to perform duties therein, subject to his having ceased to perform those duties before 2nd March 1970 and subject to it having been certified by or on behalf of the Scottish Ministers that he approves the application of this regulation in the case of the person concerned.

(4) The reference in paragraph (1) to service in a police force in the Channel Islands or the Isle of Man is a reference to service in—

- (a) the Island police force maintained under the Police Force (Guernsey) Law 1986;
 - (b) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Law 1974; or
 - (c) the Isle of Man Constabulary maintained under the Police Act 1993 (an Act of Tynwald).
- (5) A certificate given by or on behalf of—
- (a) the Secretary for Technical Co-operation before 27th November 1964; or
 - (b) the Minister of Overseas Development on or after that date but before 12th November 1970,

shall be treated for the purposes of paragraph (2) as if it had been given by or on behalf of the Secretary of State.

⁽¹¹⁾ 1980 c. 63. Section 12 was repealed by Schedule 4 to the International Development Act 2002 (c. 1) but, by virtue of paragraph 4 of Schedule 5 to that Act the repeal does not prevent any agreement entered into under section 12 from continuing to have effect.