
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 257

The Police (Scotland) Regulations 2004

PART 3

DUTY

Limitations on duties to be assigned to members statutorily transferred

21.—(1) Where a member of a police force has previously served in a police force for an area comprised in whole or in part in the area for which that member's present force is maintained and that member ceased to be a member of the former force and became a member of the present force by reason only of being statutorily transferred from that force to another then, subject to paragraph (2), that member shall not be assigned to duties which, in the opinion of the Scottish Ministers, make it necessary for that member to move home to a place which is outside the area for which that member's former force was maintained.

(2) Paragraph (1) shall not apply to a person by reason of that person's previous service in a particular police force if—

- (a) since that person became a member of that police force that person has been a chief constable; or
- (b) after that person was statutorily transferred from that police force that person has given written notice to the chief constable of the police force of which that person was at the time a member that the protection accorded by paragraph (1) should cease to apply to that person,

without prejudice, however, to the application of paragraph (1) to that person by reason of service in another police force after that person's statutory transfer from the force first mentioned in this paragraph and before that person's statutory transfer to that person's present force.

(3) Paragraph (1) shall apply in the case of a member of a police force who ceased to be such and became a serviceman, or engaged on relevant service within the meaning of section 38A(1) (b) to (bb) and (e) and (f) of the 1967(1) Act who enjoys a right of reversion under section 38(3) of the 1967 Act or—

- (a) where on ceasing to be such, that person resumed service in, or, as the case may be, exercised that person's right of reversion to, that person's former force, as if that person had not ceased to be a member of that force; or
- (b) where on ceasing to be such, that person resumed service in, or, as the case may be, exercised that person's right of reversion to some other force to which members of that person's former force had been transferred as mentioned in paragraph (1), as if that person had been so transferred from that person's former force to that other force.

(4) In this regulation "present force" and "former force" mean, respectively, the force first mentioned and that secondly mentioned in paragraph (1).

(1) Section 38A(1) was inserted by section 60 of the Police and Magistrates Courts Act 1994 (c. 29) and amended by the Police Act 1997 (c. 50).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
