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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.