
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 257

The Police (Scotland) Regulations 2004

PART 5

LEAVE

Leave

33.—(1) Every member of a police force shall, so far as the exigencies of duty permit, be granted in each leave year such annual leave as may be determined by the Scottish Ministers, and in this regulation “leave year” means that period of 12 months beginning on such date as may from time to time be determined by the police authority.

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

- (a) to grant such additional days of annual leave in any leave year in such circumstances and subject to such conditions as the Scottish Ministers may determine; and
- (b) subject to such conditions as the Scottish Ministers may determine, to allow days of annual leave granted under this regulation to be taken as a single period, or as single days, or in periods of more than one day or as half days.

(3) In a determination under paragraph (1) the Scottish Ministers shall make provision for the compensation of a member of a police force for being recalled to duty during a period of annual leave granted under this regulation.

(4) Annual leave granted under this regulation shall be additional to the days on which the member is not required to perform police duties in accordance with a determination under regulation 26.

(5) A member of a police force shall not be entitled to be absent from duty on account of injury or illness otherwise than in such circumstances as shall be determined by the Scottish Ministers, and in making such a determination the Scottish Ministers may confer on the police authority power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under the determination.

(6) A female member of a police force who is pregnant shall, in such circumstances as shall be determined by the Scottish Ministers, have the right not to be unreasonably refused special leave from duty to enable her to keep an appointment for the purpose of receiving antenatal care.

(7) A female member of a police force qualifies for maternity leave in such circumstances as shall be determined by the Scottish Ministers.

(8) A member of a police force shall, so far as the exigencies of duty permit, be granted such—

- (a) maternity support leave;
- (b) parental leave;
- (c) adoption leave; and
- (d) adoption support leave,

in such circumstances, as the Scottish Ministers shall determine.

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

(9) In this regulation “maternity support leave” means leave to enable support to be given to an expectant mother at or around the time of birth and “adoption support leave” means leave to enable support to be given to an adoptive parent at or around the time of adoption.

(10) A member of a police force shall, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependant of that member, and subject to such conditions, as shall be determined by the Scottish Ministers; and for this purpose the Scottish Ministers may determine the meaning of “dependant” in relation to members of a police force.

(11) The Scottish Ministers may determine that any period of leave or time off taken in accordance with a determination under paragraph (1), (6), (8) or (10) shall be treated as a period of duty.

(12) Paragraph (5) and any determination thereunder shall apply to a member who is in quarantine as it applies to a member who is ill subject, in the case of such a determination, to such modifications as may be determined by the Scottish Ministers.