
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 61

**The Scottish Crime and Drug Enforcement
Agency (Scotland) Regulations 2011**

PART 4

PAY

Pay

17.—(1) The pay of police members is to be determined by the Scottish Ministers and in making a determination under this regulation they may—

- (a) specify that the pay of a police member is payable subject to certain conditions; and
- (b) in relation to the pay of a police member of the rank of chief inspector or below, confer functions in relation to those conditions on—
 - (i) the Director General;
 - (ii) the Deputy Director General;
 - (iii) a police member above the rank of chief inspector; or
 - (iv) a person appointed by the Authority under paragraph 10 of schedule 1 to the 2006 Act.

(2) Subject to regulation 32, in reckoning the service of a police member in any rank for the purposes of pay—

- (a) account is to be taken of all that member's service in that rank (including service in that rank in a police force which was reckonable for the purposes of pay); and
- (b) any service in a higher rank (whether on temporary promotion or otherwise) is to be treated as if it had been service in that higher rank.

(3) But in the case of a police member of a rank higher than that of chief inspector, paragraph (2) has effect subject to any contrary agreement between the Authority and the police member relating to the reckoning of previous service with the Agency or a police force.

(4) In reckoning a police member's service in a particular rank for the purposes of pay—

- (a) that service is to 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) unless the Authority, with the approval of Scottish Ministers, determines otherwise in any particular case—
 - (i) no account is to be taken of any previous service in that rank which terminated in that member's reduction in rank as a punishment;
 - (ii) but any previous service in a higher rank which terminated in that member's reduction in rank as a punishment is to be treated as if it had been service in the rank to which that member was reduced;

- (c) no account is to be taken of any period of duty in that rank in respect of which a temporary salary is payable under regulation 20;
 - (d) no account is to be taken of any period of unpaid leave;
 - (e) part-time service is to be taken into account as though it were full-time service;
 - (f) in the case of a female police member who has taken one or more periods of maternity leave, in respect of each period of such leave—
 - (i) account is to be taken of any period spent on maternity leave up to a maximum of 26 weeks beginning with the week in which the child is born; and
 - (ii) where she has, at the beginning of the 14th week before the expected date of birth of her child, as notified in accordance with a determination under regulation 26(8), served continuously as a police member or as a member of a police force for a period of not less than 26 weeks, account is to be taken of any period (not being a period of which account has been taken under paragraph (i)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child was born;
 - (g) account is to be taken of any period of maternity support leave, parental leave and adoption support leave taken in accordance with a determination under regulation 26; and
 - (h) account is to be taken of the first 27 weeks of adoption leave taken in accordance with a determination under regulation 26(9)(c).
- (5) A determination under paragraph (1) has effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 25.

Overtime

18.—(1) The Scottish Ministers must determine the circumstances and manner in which a police member is to be compensated for overtime.

(2) In making a determination under paragraph (1), the Scottish Ministers may confer on the Director General 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; and
 - (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.
- (3) In these regulations, “overtime” means time—
- (a) for which a police member remains on duty after that member’s tour of duty ends;
 - (b) for which a police member is recalled between tours of duty; or
 - (c) which forms part of a tour of duty which a police 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.

(4) In 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” is to be construed in accordance with regulation 15;

“recall” does not include a warning to be ready for duty if required; and

“tour of duty”, in relation to a police member for whom variable shift arrangements are in operation, has the meaning given by regulation 15(4).

Public holidays and rest days

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

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

(2) In making a determination under paragraph (1) the Scottish Ministers may confer on the Director General discretion to fix—

- (a) the time at which, or the day on which, a period commences for the purposes of that determination;
- (b) the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted; and
- (c) a limit on the length of time spent travelling to and from a police member's place of duty which is to be included in the 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 are to be increased by 1 for each day on which Christmas Day, 26th December or New Year's Day falls on a Saturday or Sunday; and

“rostered rest day” means a day which according to the duty roster was, immediately before a police member was required to do duty, to have been a rest day for that member.

Temporary salary and temporary promotion

20. The Scottish Ministers must determine—

- (a) the circumstances in which police members are entitled to receive a temporary salary and the rate of that salary; and
- (b) the rate of salary of police members while temporarily promoted.

Sick pay

21.—(1) The Scottish Ministers must determine the entitlement of police members to pay during periods of sick leave taken in accordance with a determination under regulation 26.

(2) In making a determination under paragraph (1) the Scottish Ministers may confer on the Director General discretion to allow a police member to receive more pay than that specified in the determination.

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

22. The Scottish Ministers must determine the entitlement of police members to pay during periods of—

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

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

23.—(1) The intervals at which police members are to be paid are to be fixed by the Authority in accordance with such rules as the Scottish Ministers may determine.

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

Deductions from pay of social security benefits and statutory sick pay

24.—(1) There is to be deducted from the pay of a police member who is in receipt of full pay—

- (a) any statutory sick pay to which that member is entitled under the Social Security Contributions and Benefits Act 1992⁽¹⁾; and
- (b) any contributory employment and support allowance to which that member is entitled under the Welfare Reform Act 2007⁽²⁾.

(2) For the purposes of paragraph (1)(a), any increase for adult and child dependents is to be treated as forming part of the benefit or allowance to which it relates.

(3) For the purposes of this regulation, a female police member who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits Act 1992⁽³⁾ at the reduced rate is to be deemed 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.

(4) In this regulation, “full pay” means pay at the rate ascertained from regulation 17 and the determination made thereunder.

University scholars

25.—(1) The Scottish Ministers must determine how Part 3 and this Part of these Regulations and any determination made under these Regulations are to have effect in relation to a university scholar.

(2) In making such a determination the Scottish Ministers may confer on the 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.

(1) 1992 c.4.

(2) 2007 c.5.

(3) Section 19 has been amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), section 2 and Schedule 3, paragraph 19 and by the National Insurance Contributions Act 2008 (c.19), Schedule 1, paragraph 5.