
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 61

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

PART 5

LEAVE

Leave

26.—(1) Every police member is, so far as the exigencies of duty permit, to be granted in each annual leave year such annual leave as may be determined by the Scottish Ministers.

(2) In this regulation “leave year” means a period of 12 months beginning on such date as may from time to time be determined by the Authority.

(3) A determination made by the Scottish Ministers under paragraph (1) may confer on the Director General discretion—

- (a) to grant 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.

(4) A determination made by the Scottish Ministers under paragraph (1) must contain provision for the compensation of a police member for being recalled to duty during a period of annual leave granted under this regulation.

(5) Annual leave granted under this regulation is additional to the days on which a police member is not required to perform police duties in accordance with any determination under regulation 19.

(6) The Scottish Ministers—

- (a) must determine the circumstances in which a police member may be absent from duty on account of injury or illness; and
- (b) in making such a determination may confer on the Authority a power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under that determination.

(7) A female police member who is pregnant has, in such circumstances as the Scottish Ministers determine, 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.

(8) A female police member qualifies for maternity leave in such circumstances as the Scottish Ministers determine.

(9) So far as the exigencies of duty permit, and in such circumstances as the Scottish Ministers determine, a police member is to be granted—

- (a) maternity support leave;

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

(10) So far as the exigencies of duty permit, and subject to any conditions or limitations the Scottish Ministers determine, a police member may during periods of duty take reasonable dependant support leave.

(11) The Scottish Ministers may determine that any period of leave or other time off taken in accordance with a determination under paragraph (1), (7), (9) or (10) is to be treated as a period of duty.

(12) Paragraph (6) (and any determination under that paragraph) applies to a member who is in quarantine as it applies to a member who is ill.

(13) The Scottish Ministers must determine the circumstances and manner in which—

- (a) a police member is entitled to take a career break; and
- (b) that member may return to duty after taking that career break.

(14) In making a determination under paragraph (13), the Scottish Ministers may confer functions on the Director General.

(15) The Director General may authorise that any of the functions conferred on the Director General under a determination made under paragraph (13) may be carried out by—

- (a) the Deputy Director General; or
- (b) a police member of the rank of chief superintendent.

(16) In this regulation—

“dependant support leave” means leave for such purposes relating to a police member’s dependant as Scottish Ministers determine (and Scottish Ministers may determine the meaning of dependant for that purpose);

“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.