
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 35

The Police Service of Scotland Regulations 2013

PART 4

PAY

Pay

16.—(1) Subject to the following provisions of this Part and Part 7, the pay of constables must 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 constables above the rank of chief superintendent on the Authority;
- (b) where the pay of a constable of the rank of chief superintendent or below is payable subject to such conditions as may be specified in the determination, confer on a constable senior in rank to that constable, or any individual employed by the Authority, such functions in relation to those conditions, as they think fit.

(2) Nothing in this regulation or regulation 31 affects the operation of any provisions of the Conduct Regulations, and in relation to a constable suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 2 or of paragraph 4 thereof have effect.

Overtime

17.—(1) Subject to the provisions of this regulation, the Scottish Ministers must determine the circumstances and manner in which a constable is to be compensated in respect of time—

- (a) for which that constable remains on duty after that constable's tour of duty ends;
- (b) for which that constable is recalled between two tours of duty; or
- (c) which forms part of a tour of duty which that constable is required to begin earlier than the rostered time without due notice and on a day when that constable has already completed that constable's normal daily period of duty,

and such time is referred to in this regulation as "overtime".

(2) For the purposes of 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 construed in accordance with regulation 14;

"recall" does not include a warning to be in readiness for duty if required; and

"tour of duty", in relation to a constable of the Police Service for whom variable shift or flexible working arrangements are in operation under regulation 14(1)(c), means rostered shift.

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

- (a) fix the day on which a period commences for the purposes of the determination;
- (b) fix the period within which time off in compensation for overtime is to be granted;
- (c) allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.

Public holidays and rest days

18.—(1) The Scottish Ministers must determine the circumstances and manner in which a constable is 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 chief constable discretion to fix—

- (a) the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) a limit on the time occupied by a constable in travelling to and from that constable’s place of duty which is to be included in a period of duty for the purposes of the determination.

(3) In this regulation—

- (a) “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 increased by one for each day on which Christmas Day, 26th December or New Year’s Day falls on a Saturday or Sunday; and
- (b) “rostered rest day”, in relation to a constable who is required to do duty on that day, means a day which according to the duty roster was, immediately before that constable was so required to do duty, to have been a rest day for that constable.

Temporary salary

19. The Scottish Ministers must determine the circumstances in which a constable is entitled to receive a temporary salary and the rate of that salary.

Temporary promotion

20. The Scottish Ministers must determine the rate of a constable’s salary while temporarily promoted under the Police Service of Scotland (Promotion) Regulations 2013 or temporarily appointed under regulation 7(6) of these Regulations.

Sick pay

21. The Scottish Ministers must determine the entitlement of constables to pay during periods of sick leave taken in accordance with a determination under regulation 25(5), and in making such a determination the Scottish Ministers may confer on the chief constable discretion to allow a constable of the Police Service 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 constables to pay during periods of—

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

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

23.—(1) The intervals at which constables are to be paid must 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.

Deductions from pay of social security benefits and statutory sick pay

24.—(1) There is deducted from the pay of a constable who is in receipt of full pay—

- (a) the amount of any short-term or long-term incapacity benefit to which the constable is entitled under the Social Security (Incapacity for Work) Act 1994⁽¹⁾;
- (b) any statutory sick pay to which the constable is entitled under the Social Security Contributions and Benefits Act 1992⁽²⁾; and
- (c) any contributory employment and support allowance to which the constable is entitled under the Welfare Reform Act 2007⁽³⁾.

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

(3) For the purposes of this regulation, a female constable, who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits Act 1992⁽⁴⁾ at the reduced rate, is deemed to be 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 16, and the determination made thereunder, and Part 7.

(1) 1994 c.18.

(2) 1992 c.4.

(3) 2007 c.5.

(4) 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.