

SCOTTISH STATUTORY INSTRUMENTS

2013 No. 35

The Police Service of Scotland Regulations 2013

PROSPECTIVE

PART 9 DETERMINATIONS

Determinations

34.—(1) Before making a determination under any provision of these Regulations relating to the matters mentioned in section 61(1) of the Police Act 1996⁽¹⁾, the Scottish Ministers must take into consideration any representation made by the Police Negotiating Board and must supply the Board with a draft of the determination; and section 62(2) of the Police Act 1996⁽²⁾ applies in relation to a representation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of subsection (1) of that section.

(2) Before making a determination under any provision of these Regulations relating to any other matter, the Scottish Ministers must consult and share a draft of the determination with the persons mentioned in section 54(2)(a)(i) to (vi) of the 2012 Act and consider any representations made by those persons.

(3) A determination under any provision of these Regulations may—

- (a) in relation to regulating pay and allowances, be made with retrospective effect to any date specified in the determination but must not retrospectively reduce any pay or allowance payable to or in respect of any constable;
- (b) make different provision for different cases and circumstances; and
- (c) vary or revoke earlier determinations under these Regulations.

Commencement Information

II Reg. 34 in force at 1.4.2013, see [reg. 1](#)

- (1) Section 61(1) has been amended by the Police Act 1997 (c.50), section 134 and Schedule 9, paragraph 81; the Police (Northern Ireland) Act 2000 (c.32), section 78 and Schedule 6, paragraph 12; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 76 and Schedule 17, Part 2; the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 66; the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 38; the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 5; the Police and Fire Reform (Scotland) Act 2012 (asp 8), section 128(2) and schedule 8; S.I. 1999/1747, 2010/976.
- (2) Section 62(2) has been amended by the Police Act 1997 (c.50), section 134 and Schedule 9, paragraph 82; the Criminal Justice and Police Act 2001 (c.16), Schedule 6, paragraph 77; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 77; the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 67; the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 5; the Police and Fire Reform (Scotland) Act 2012 (asp 8), section 128(2) and schedule 8, Part 1; S.I. 1999/1820.

Status: *This version of this part contains provisions that are prospective.*

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police Service of Scotland Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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Changes and effects yet to be applied to :

- Regulations applied by [S.S.I. 2013/60](#) reg. 6(4)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(1)(i) inserted by [S.S.I. 2013/122](#) reg. 2(3)(c)
- reg. 6(1)(i) words inserted by [S.I. 2019/745](#) reg. 35(a)
- reg. 6(4) inserted by [S.I. 2019/745](#) reg. 35(b)
- reg. 11(3A) inserted by [S.S.I. 2016/51](#) reg. 41(3)
- reg. 22(d) and word inserted by [S.S.I. 2016/419](#) reg. 1(2)(c)