

1971 No. 843 (S.118)

POLICE

The Police (Discipline) (Scotland) Amendment Regulations

1971

<i>Made</i>	- - -	12th May 1971
<i>Laid before Parliament</i>		26th May 1971
<i>Coming into Operation</i>		1st June 1971

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967(a) and of all other powers enabling me in that behalf, and after consulting the Police Council for the United Kingdom in accordance with section 4(4) of the Police Act 1969(b), I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Police (Discipline) (Scotland) Amendment Regulations 1971.

(2) These regulations shall come into operation on 1st June 1971 and shall have effect as from that date except that in the case of a constable who is then suspended under regulation 14 or regulation 38 of the principal regulations they shall have effect as from the date of his suspension.

2.—(1) In these regulations any reference to the principal regulations is a reference to the Police (Discipline) (Scotland) Regulations 1967(c), as amended (d).

(2) In these regulations any references to the Police (Scotland) Regulations is a reference to the Police (Scotland) Regulations 1968(d), as amended (e).

(3) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. For regulation 14(4), (5) and (6) of the principal regulations (pay and allowances in respect of a period of suspension in relation to constables other than chief constables, deputy chief constables or assistant chief constables) there shall be substituted the following provisions :—

“(4) Subject to the provisions of paragraph (6), a constable suspended from duty who—

(a) 1967 c. 77.

(c) S.I. 1967/1021 (1967 II, p. 3091).

(e) The relevant amending instruments are S.I. 1969/168, 505, 1586, 1970/425, 1463,

1971/196 (1969 I, pp. 429, 1406; II, p. 2085; III, p. 5060; 1970 I, p. 1462; III, p. 4796; 1971 I, p. 574).

(b) 1969 c. 63.

(d) S.I. 1968/716 (1968 II, p. 2024).

(f) 1889 c. 63.

(a) has been found guilty of a criminal offence, or

(b) has absented himself from duty and whose whereabouts are unknown to the deputy chief constable,

shall not in respect of any period of imprisonment or, as the case may be, in respect of the period during which his whereabouts are unknown to the deputy chief constable, be entitled to pay under the Police (Scotland) Regulations.

(5) Subject to the provisions of paragraph (6), a constable suspended from duty shall not in respect of the period of suspension be entitled to any allowances under the Police (Scotland) Regulations except a rent allowance, a supplementary rent allowance, compensatory grant or special area undermanning allowance.

(6) Where a constable who, having been suspended from duty, returns to duty and—

(a) it has been decided that he shall not be charged with a disciplinary offence, or

(b) he has been so charged and all the charges have been dismissed, or

(c) he has been so charged and has been punished by a reduction in his rate of pay for a period of less than 12 months, fine, reprimand or caution,

he shall receive, for the period of his suspension, the pay to which, but for the provisions of paragraph (4), and the allowances to which, but for the provisions of paragraph (5), he would have been entitled by virtue of the Police (Scotland) Regulations.”

4. For regulation 38(4), (5) and (6) of the principal regulations (pay and allowances in respect of a period of suspension in relation to chief constables, deputy chief constables and assistant chief constables) there shall be substituted the following provisions:—

“(4) Subject to the provisions of paragraph (6), a chief constable suspended from duty who—

(a) has been found guilty of a criminal offence, or

(b) has absented himself from duty and whose whereabouts are unknown to the police authority,

shall not in respect of any period of imprisonment or, as the case may be, in respect of the period during which his whereabouts are unknown to the police authority, be entitled to pay under the Police (Scotland) Regulations.

(5) Subject to the provisions of paragraph (6), a chief constable suspended from duty shall not in respect of the period of suspension be entitled to any allowances under the Police (Scotland) Regulations except a rent allowance, a supplementary rent allowance or compensatory grant.

(6) Where a chief constable who, having been suspended from duty, returns to duty and—

(a) it has been decided that he shall not be charged with a disciplinary offence, or

(b) he has been so charged and all the charges have been dismissed, or

(c) he has been so charged and has been punished by a reprimand or caution,

he shall receive, for the period of his suspension, the pay to which, but for the provisions of paragraph (4), and the allowances to which, but for the provisions of paragraph (5), he would have been entitled by virtue of the Police (Scotland) Regulations.”

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.

12th May 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Discipline) (Scotland) Regulations 1967 and provide that a constable who is suspended shall be entitled to full pay in circumstances in which, at present, he is, instead, paid a suspension allowance of two-thirds of his pay.

Insofar as Regulation 1(2) provides that the Regulations shall have retrospective effect, it is made in exercise of the power conferred by section 26(3) of the Police (Scotland) Act 1967.