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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 257**

**The Police (Scotland) Regulations 2004**

**PART 2**

**GOVERNMENT**

**Discharge of probationer**

**13.**—(1) Subject to the provisions of this regulation, during a constable's period of probation in the force the services of that constable may be dispensed with at any time by written notice given by the chief constable if the chief constable considers that that constable is not fitted, physically or mentally, to perform the duties of office of constable, or that that constable is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be—

- (a) informed in writing of the provisions of paragraph (3); and
- (b) entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes thereof shall cease to have effect if that constable gives written notice to the police authority of that constable's intention to retire and retires in pursuance of the said notice on or before the date on which that constable's services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the police authority notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that the services of the constable are to be dispensed with and that constable gives written notice of intention to retire and retires under paragraph (3), that constable shall nevertheless be entitled to receive pay up to and until the date on which the month's notice that constable has received would have expired or where that constable has received or is due to receive a month's pay in lieu of notice that constable shall remain entitled to that pay notwithstanding the notice that constable has given under paragraph (3).