
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations replace the Police (Scotland) Regulations 1976 as amended by the regulations specified in Schedule 4 (“the 1976 Regulations”). The amendments other than drafting amendments, made by these Regulations are as follows. Regulations 11 (appointment of senior officers), 12 (probationary service), 14 (retirement), 23 (duty), 24 (pay), 25 (overtime), 26 (public holidays and rest days), 27 (temporary salary and temporary promotion), 28 (sick pay), 29 (maternity pay), 30 (fixing of pay day and calculation of pay), 32 (university scholars), 33 (leave) and 35 (expenses) provide for the determination by the Scottish Ministers of certain matters that were prescribed by the 1976 Regulations. Such determinations are subject to the provisions of regulation 46 which include requirements for consultation.

2. Regulation 5 prescribes the ranks which may be held by members of a police force and now includes the ranks of deputy chief constable and chief superintendent reintroduced by section 75 of the Criminal Justice (Scotland) Act 2003 which comes into force on 25th June 2004 by virtue of [S.S.I./240](#).

3. Regulation 19 requires members of a police force to provide a sample of hair or saliva upon appointment (other than in cases of transfer between forces) from which a DNA profile can be derived. The sample and information derived from the sample will be stored separately from samples and information derived from samples provided in accordance with the Criminal Procedure (Scotland) Act 1995 or the Criminal Justice (Scotland) Act 2003. The samples and information are provided for the purposes of enabling a check to be carried out against other samples taken in connection with or as the result of the investigation of a criminal offence. Samples and information derived from them will be destroyed when the officer providing the sample ceases to be a member of a police force.

4. Regulation 41 allows a member of a police force who on or after 1st September 1994, joined or rejoined that force from the British Transport Police Force to reckon his service with the British Transport Police Force as service for the purpose of regulation 24 (rate of pay). If the member of the police force is of the rank of chief inspector or higher then a contrary agreement can be reached. A related amendment is made in Schedule 3, paragraph 1(4) to provide for the payment of a replacement allowance to a member of a police force who has transferred to that force on or after 1st September 1994 from the British Transport Police and who was in receipt of a housing allowance prior to the transfer.

5. Regulation 24(3)(f) and (g) make provision to increase the periods of maternity leave that can be reckoned for the purposes of pay. Regulation 24((3)(h) and (i) makes provision to allow maternity support leave, adoption support leave and 27 weeks of adoption leave to be reckoned for the purposes of pay. The provisions about pay in regulation 24 have also been amended to make it clear that any period of service in a higher rank counts as a period that can be reckoned for the purposes of pay at the lower rank.

6. Regulation 33 makes new provision for parental and adoption leave and for time off for dependants and replaces provision in the 1976 Regulations for paternity leave with provision for maternity support leave. Regulation 33 also makes new provision for adoption support leave.

7. The regulations come into force on 25th June 2004 except as otherwise provided in regulation 1(2). Retrospection is authorised by section 26(3) of the 1967 Act.