

1974 No. 1348 (S.119)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1974

<i>Made - - - -</i>	<i>2nd August 1974</i>
<i>Laid before Parliament</i>	<i>14th August 1974</i>
<i>Coming into Operation</i>	<i>4th September 1974</i>

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:—

PART I

Citation, commencement, operation and interpretation

1. These regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1974.
2. These regulations shall come into operation on 4th September 1974 and shall have effect as follows, that is to say—
 - (a) for the purposes of regulation 5 thereof, as from 25th May 1974;
 - (b) for the purposes of regulation 6 thereof, as respects overtime worked by an inspector before 4th September 1974 as provided therein and, subject as aforesaid, as from that date;
 - (c) for the purposes of regulations 7 and 9 thereof, as from 1st September 1972;
 - (d) for the purposes of regulation 8 thereof, as respects the year beginning on 1st May 1973 as provided therein and, subject as aforesaid, as from 1st May 1974;
 - (e) for the purposes of Part III thereof, as from 4th September 1974.
3. In these regulations any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1972(c) as amended(d).
4. The Interpretation Act 1889(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1967 c. 77. (b) 1969 c. 63.
 (c) S.I. 1972/777 (1972 II, p. 2490).
 (d) S.I. 1972/1206, 1973/119, 391, 1458, 1609, 1974/489 (1972 II, p. 3573; 1973 I, p. 516; 1973 I, p. 1338; 1973 II, p. 4425; 1973 III, p. 5042; 1974 I, p. 1750).
 (e) 1889 c. 63.

PART II

Provisions having retrospective effect

5.—(1) This regulation shall have effect, notwithstanding anything in the principal regulations, for the purpose of supplementing the pay of a constable of a police force holding the rank of chief superintendent or any lower rank; but any allowance under the principal regulations calculated by reference to a constable's pay shall be calculated as if this regulation had not been made.

(2) Subject to paragraphs (3) and (4) below, the annual pay of such a constable shall be increased (a) with effect from the first day of his pay period first beginning after 24th May 1974, by £62·64 and (b) with effect from the first day of his pay period first beginning after 21st June, by a further £41·76.

(3) Where the Secretary of State is satisfied that the Retail Price Index figure as published on any date falling after 21st June 1974 but before 16th November 1974 exceeds by 12% or more the base figure, that is to say so exceeds 185·4, he may, in lieu of the increase under paragraph (2) above, or of any increase previously authorised hereunder, authorise the increase of the annual pay of a constable in pursuance of this paragraph and, for the purposes thereof, shall specify—

(a) the amount of the increase, being £20·88 in respect of each full 1%, over and above 6%, by which the Retail Price Index figure in question exceeds the base figure; and

(b) the date of publication of the Retail Price Index figure in question.

(4) The annual pay of a constable shall be increased in pursuance of an authorisation under paragraph (3) above by the amount specified under subparagraph (a) thereof with effect from the first day of his pay period first beginning on or after the date specified under paragraph (b) thereof; but, with effect from that day, no increase shall be payable in his case under paragraph (2) or in pursuance of any authorisation under paragraph (3) above given before the authorisation in question was given.

(5) In this regulation the following expressions have the meanings hereby respectively assigned to them, that is to say—

“annual pay” means annual pay determined in accordance with the principal regulations as amended by regulation 5 of these regulations;

“base figure” means the Retail Price Index figure for October 1973;

“pay period” means the period for which, in pursuance of regulation 36 of the principal regulations, a constable is paid;

“Retail Price Index figure” means that figure as published by the Department of Employment.

6.—(1) In paragraph (2) of regulation 22 of the principal regulations (which relates to overtime) for the words “or sergeant” there shall be substituted the words “sergeant or inspector”.

(2) Paragraphs (3) and (5) of the said regulation 22 shall be omitted.

(3) In paragraph (6) of the said regulation 22 the words “or by virtue of paragraph (5)” shall be omitted.

(4) Notwithstanding paragraphs (1), (2) and (3) above, in relation to overtime worked by an inspector during the period of 3 months ending immediately before 1st April 1974 the said regulation 22 shall have effect as set out in regulation 10 of the Police (Scotland) Amendment Regulations 1973(a) but, where time off falls to be granted by virtue of paragraph (5) thereof, as if in paragraph (6) thereof for the words “within such time (not exceeding 3 months) after that week as the chief constable may fix, he” there were substituted the words “before 1st April 1974 the chief constable”.

(5) In relation to overtime worked by an inspector during the period beginning with 1st April 1974 and ending immediately before 4th September 1974, being overtime worked otherwise than on a special occasion in respect of which time off has not been granted by virtue of paragraph (5) of the said regulation 22 set out as aforesaid, the said regulation 22 shall have effect as amended by paragraphs (1), (2) and (3) above but—

(a) an election under paragraph (2) of the said regulation 22 may be made at any time before the expiry of the pay period which includes 4th September 1974, and

(b) paragraph (6) of the said regulation 22 shall have effect as if for the words “after the said week” there were substituted the words “after the week which includes 4th September 1974”.

(6) In this regulation the expressions “overtime”, “pay period” and “special occasion” have the meanings respectively assigned to them by the said regulation 22.

7.—(1) After regulation 55 of the principal regulations there shall be inserted the following regulation:—

“*Dog handler’s allowance.*

55(A).—(1) Where a dog owned by the police authority is kept and cared for by a constable of a police force at his home, the constable shall be paid a dog handler’s allowance in respect of the care accorded to the dog on the constable’s rest days and on public holidays.

(2) A dog handler’s allowance shall be of an amount determined in accordance with Schedule 12.

(3) For the purposes of this regulation and of Schedule 12 a constable of a police force shall be treated as keeping and caring for a dog at his home if he would be so doing but for his being on annual leave”.

(2) After Schedule 11 to the principal regulations there shall be added Schedule 3 to these regulations.

8.—(1) For the Tables designated A, B, C and D in Schedule 6 to the principal regulations (motor vehicle allowances) there shall be substituted, respectively, the Tables so designated and set out in Schedules 1 and 2 to these regulations.

(2) As respects the year beginning on 1st May 1973 a motor vehicle allowance in respect of a motor car payable under regulation 53 of the principal regulations shall be calculated as hereinafter provided.

(a) S.I. 1973/119 (1973 I, p. 516).

(3) So far as the allowance falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed—

(a) on or after 1st January 1974;

(b) on or after 1st March 1974;

it shall be calculated in accordance with the principal regulations as amended by this regulation, and the principal regulations shall have effect accordingly.

(4) Nothing in this regulation shall affect the calculation of the allowance so far as it falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed, before 1st January 1974.

PART III

Provisions taking effect as from 4th September 1974

9.—(1) After paragraph 5(a) of regulation 23 of the principal regulations (public holidays and rest days for lower ranks) there shall be inserted the following provision:—

“(aa) a constable of a police force who is paid a dog handlers’ allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;”.

(2) In paragraph 5(g) of the said regulation 23 after the words “his period of duty shall include” there shall be inserted “(save for the purposes of subparagraph (e))”.

10. For regulation 29(2) of the principal regulations (rate of pay) there shall be substituted the following provision:—

“(2) Subject to regulations 31, 32, 32A and 33, section 2(1) of the Police (Overseas Service) Act 1945(a) and section 38(1) of the Police (Scotland) Act 1967, in reckoning the service of a constable of a police force in any rank for the purposes of any of the aforesaid scales of pay, account shall be taken of all his service in that rank, whether in that or another police force and service in higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

Provided that in reckoning a constable’s service in any rank—

(a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty’s forces which he is entitled to reckon as pensionable service;

(b) no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;

(c) any period of unpaid maternity leave shall be disregarded,

and, in the case of a constable of a police force of a rank higher than that of inspector, this paragraph shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in that or another force, not being a force from which he was statutorily transferred to his present force.”.

11. Regulation 30 of the principal regulations (reckoning of previous service) shall be omitted.

12.—(1) In paragraph (1) of regulation 31 of the principal regulations (reckoning of previous service in the Royal Ulster Constabulary) the words ‘but for the purposes hereof regulation 29(2) shall have effect as if the words “a temporary promotion thereto” were omitted in each place where they occur’ shall be omitted.

(2) Paragraph (2) of the said regulation 31 shall be omitted.

13. For paragraph (4) of regulation 39 of the principal regulations (rent allowances) there shall be substituted the following paragraph:—

“(4) A flat-rate allowance shall be an allowance equal to half the amount fixed as the maximum limit for members of the same rank.”

14. In paragraph 3 of schedule 2 to the principal regulations (annual leave) for the words “below the rank of superintendent” there shall be substituted “of or below the rank of superintendent”.

(Sgd.) *William Ross*,
One of Her Majesty’s Principal
Secretaries of State.

St Andrew’s House,
EDINBURGH.

2nd August 1974.

SCHEDULE 1

TABLES SUBSTITUTED FOR TABLES IN SCHEDULE 6 TO THE PRINCIPAL REGULATIONS
(MOTOR VEHICLE ALLOWANCES) WITH EFFECT FROM 1ST JANUARY 1974

TABLE A
STANDARD AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	129·000	0·047	0·029
1,000 c.c. or more but less than 1,200 c.c.	117·000	0·042	0·026
Less than 1,000 c.c.	108·000	0·038	0·023

TABLE B
ABATED AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	114·000	0·045	0·029
1,000 cc. or more but less than 1,200 c.c.	105·000	0·040	0·026
Less than 1,000 c.c.	99·000	0·036	0·023

TABLE C
STANDARD AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·087
1,000 c.c. or more but less than 1,200 c.c.	0·077
Less than 1,000 c.c.	0·070

TABLE D
ABATED AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·081
1,000 c.c. or more but less than 1,200 c.c.	0·072
Less than 1,000 c.c.	0·065

SCHEDULE 2

TABLES SUBSTITUTED FOR TABLES IN SCHEDULE 6 TO THE PRINCIPAL REGULATIONS
(MOTOR VEHICLE ALLOWANCES) WITH EFFECT FROM 1ST MARCH 1974

TABLE A
STANDARD AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	129·000	0·050	0·032
1,000 c.c. or more but less than 1,200 c.c.	117·000	0·045	0·029
Less than 1,000 c.c.	108·000	0·040	0·025

TABLE B
ABATED AMOUNT

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
	£	£	£
1,200 c.c. or more but less than 1,700 c.c.	114·000	0·048	0·032
1,000 c.c. or more but less than 1,200 c.c.	105·000	0·043	0·029
Less than 1,000 c.c.	99·000	0·038	0·025

TABLE C
STANDARD AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·090
1,000 c.c. or more but less than 1,200 c.c.	0·080
Less than 1,000 c.c.	0·072

TABLE D
ABATED AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·084
1,000 c.c. or more but less than 1,200 c.c.	0·075
Less than 1,000 c.c.	0·067

SCHEDULE 3

SCHEDULE TO BE INSERTED AFTER SCHEDULE 11 TO THE PRINCIPAL REGULATIONS (DOG HANDLER'S ALLOWANCE) WITH EFFECT FROM 1ST SEPTEMBER 1972

SCHEDULE 12

DOG HANDLER'S ALLOWANCE

- 1.—(1) Subject as hereinafter provided, a dog handler's allowance shall be payable—
- in the case of a constable of the rank of constable, at the annual rate of £177 or, in the case of a woman, of £168;
 - in the case of a constable of any other rank, at the annual rate of £237 or, in the case of a woman, of £225.

(2) Where the constable keeps and cares for at his home more than one dog owned by the police authority, the annual rate of the allowance shall be multiplied by the number of such dogs so kept and cared for.

2.—(1) This paragraph shall apply to the calculation of a dog handler's allowance in respect of any period beginning on or after 1st September 1972 and ending before 4th September 1974.

(2) The payments by way of dog handler's allowance made to a constable of a police force in respect of any such period as aforesaid shall be reduced by the aggregate amount of any payments made to him—

(a) by way of an allowance under regulation 23 in respect of his being required to do duty during that period in connection with caring for a dog owned by the police authority at his home, or

(b) by way of a dog handler's allowance in respect of that period, being an allowance approved by the Secretary of State for the purposes of regulation 38 or 61.

3.—(1) This paragraph shall apply to the calculation of a dog handler's allowance in respect of any period beginning on or after 4th September 1974 where—

(a) throughout the month immediately preceding that date the constable concerned has kept and cared for at his home at least one dog owned by the police authority, and

(b) he has, in respect of that month, received such payments as are referred to in paragraph 2(2)(a) or (b),

except that this paragraph shall cease to apply when the constable first ceases so to keep and care for any such dogs on or after 4th September 1974.

(2) If and so long as this paragraph applies in the case of a constable of a police force, the dog handler's allowance payable to him shall not be payable at a rate lower than that at which it would be payable if, for the annual rate specified in paragraph 1(1) and applicable in his case, there were substituted, subject to sub-paragraph (3), the rate at which, in respect of the month immediately preceding 4th September 1974, he received such payments as are referred to in paragraph 2(2)(a) or (b), in either case expressed as an annual rate.

(3) For the purposes of sub-paragraph (2), a constable shall be treated as having received the payments there mentioned only to the extent which he would have received them—

(a) if throughout the month there mentioned he had kept and cared for one dog only, and

(b) in the case of such payments as are mentioned in paragraph 2(2)(a) in respect of duty performed on or after 23rd February 1973, if for both the references in regulation 23(5)(c) to 16 completed quarters of an hour there had been substituted references to 8 completed quarters of an hour.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1972.

Part II of these Regulations (regulations 5-9) relates to threshold agreements, overtime for inspectors, dog handler's allowance and motor vehicle allowance.

Regulation 5 provides for pensionable additions to pay which, in accordance with the Police Council agreement, fall due by reason of the Retail Price Index rising by specified amounts above the base figure as at October 1973. These additions to pay, though pensionable, do not count towards the calculation of any enhanced rates or allowance.

Regulation 6 extends the provisions of regulation 22 of the principal Regulations, which relate to compensation for overtime, to the rank of inspector. The effective date of this Regulation is 1st April 1974, but transitory provision is made to allow inspectors who are entitled to time off in lieu in respect of overtime worked during the period of 3 months ending immediately before 1st April 1974 to take such time off before 1st April 1975, after which date the entitlement shall cease.

Regulation 7 provides that where a constable keeps and cares for a dog owned by the police authority at his home, he shall be paid a dog handler's allowance in respect of care accorded to the dog on the constable's rest days and public holidays.

Regulation 7 has effect from 1st September 1972.

Regulation 8 increases the rate of motor vehicle allowances; these allowances are payable on an annual basis and are calculated by reference to completed months of authorised use and mileage performed in the year in question. Transitory provision is made as respects the year beginning on 1st May 1973 and the increases take effect as from (a) 1st January 1974, and (b) 1st March 1974 as respects the calculation of an allowance by reference to months of use completed or mileage performed on or after that date.

Part III of these regulations (regulations 9-14) relates to duty on public holidays and rest days, reckoning of previous service for pay purposes, rent allowance and annual leave. It has effect from 4th September 1974, the operative date of these regulations.

Regulation 9 provides that a constable who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog.

Regulations 10-12 extend to constables below the rank of superintendent, who rejoin or join a force having previously resigned from that or some other force, the provisions of the principal Regulations which at present apply to constables of the rank of constable, whereby previous service in the ranks is taken into account for pay purposes.

Regulation 13 provides that from the operative date of these Regulations flat rate rent allowance shall be equal to 50% of maximum limit rent allowance.

Regulation 14 extends to superintendents the arrangements set out in Schedule 2 of the principal Regulations for the carry over of annual leave. The provision that regulations 5-8 shall have retrospective effect is contained in regulation 2 (made in exercise of the power conferred by section 26(3) of the Police (Scotland) Act 1967).

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