
 S T A T U T O R Y I N S T R U M E N T S

1985 No. 1325 (S. 107)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1985

<i>Made - - - -</i>	16th August 1985
<i>Laid before Parliament</i>	5th September 1985
<i>Coming into Operation</i>	26th September 1985

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 taking into consideration the recommendations made by the Police Negotiating Board for the United Kingdom and furnishing the said Board with a draft of the regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(b), I hereby make the following regulations:—

Citation

1. These regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1985.

Commencement

2. These regulations shall come into operation on 26th September 1985 and shall have effect for the purposes of regulation 13 as from 1st July 1984, for the purposes of regulations 11 and 12(2) as from 1st January 1985, and for the purposes of regulation 9 as from 1st April 1985.

Interpretation

3. In these regulations, any reference to the principal regulations is a reference to the Police (Scotland) Regulations 1976(c).

Normal daily period of duty

4. Regulation 21 of the principal regulations (normal daily period of duty) shall be amended as follows:—

- (a) in paragraph (2), the words following “8 hours” shall be omitted;
- (b) for paragraph (3) there shall be substituted the following provision:—
 - “(3) As far as the exigencies of duty permit—
 - (a) the normal daily period of duty shall be performed in one tour of duty; and

(a) 1967 c. 77; section 26(9) was amended by section 2(4) of the Police Negotiating Board Act 1980 (c. 10); sections 26(1A) and 26(10) were inserted by section 111 of the Police and Criminal Evidence Act 1984 (c. 60).

(b) 1980 c. 10.

(c) S.I. 1976/1073; the relevant amending instruments are S.I. 1980/1050, 1981/1679, 1982/1628 and 1983/1850.

- (b) subject to paragraph 3B of Schedule 2, an interval of 45 minutes shall be allowed for refreshment.”;
- (c) there shall be inserted after paragraph (4) the following provisions:—
- “(5) In this Part of these regulations, the expression “day”, in relation to a constable, means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of constable.
- (6) In discharging his functions under paragraph (5), the chief constable shall have regard to the wishes of the relevant joint branch board of the Scottish Police Federation.”.

Rostering of duties for lower ranks

5. There shall be inserted after regulation 21 of the principal regulations the following provision:—

“Rostering of duties for lower ranks

21A.—(1) A chief constable shall cause to be prepared and made available in accordance with this regulation annual rosters of duties for constables below the rank of superintendent.

(2) Each such roster shall, in the first place, be published to the constables to whom it relates not later than one month before the expiry of the roster of duties in force in relation to those constables immediately before 26th September 1985, and thereafter each such roster shall be prepared and made available at intervals not exceeding 12 months, and not later than one month before the date on which it is to come into force.

(3) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each constable to which it relates—

- (a) the times at which his scheduled daily periods of duty are to begin and end;
- (b) his rest days; and
- (c) those days, being public holidays, on which he may be required to do duty.

(4) Subject to paragraph (5), a roster of duties shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a constable’s daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days;

unless the relevant joint branch board of the Scottish Police Federation agrees otherwise.

(5) Where, owing to the exigencies of duty, it is necessary to alter a roster of duties, the officer responsible for making the alteration shall endeavour so far as practicable to avoid thereby requiring a constable to do an additional

daily period of duty such that the condition in paragraph 4(a) would not be satisfied in relation thereto.”.

Overtime

6. There shall be substituted for regulation 22 of the principal regulations the following provision:—

“Overtime

22.—(1) Subject to, and in accordance with, the provisions of this regulation a constable below the rank of superintendent shall be compensated in respect of time for which he remains on duty after his tour of duty ends or is recalled between two tours of duty (hereafter in these regulations referred to as “overtime”).

(2) Such a constable shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 23, 60 or 63.

(3) A constable to whom regulation 21 applies shall, subject to paragraphs (4) and (6), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day’s pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week.

(4) Where such a constable, before the expiry of any pay period, elects, in respect of specified overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (5), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where by virtue of an election under the foregoing paragraph time off falls to be granted to a constable in respect of any overtime worked by him in any week then, within such time (not exceeding 3 months) after that week as the chief constable may fix, he shall grant to the constable time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion, other than a period of 15 minutes of overtime in respect of which the constable was informed at the commencement of his tour that he would be required to remain on duty after his tour ended.

(7) In computing any period of overtime for the purposes of this regulation—

(a) where the constable is engaged in casual escort duty, account shall be taken only of—

- (i) time during which he is in charge of the person under escort,
- (ii) such other time as is necessarily spent in travelling to or from the place where the constable is to take charge of, or hand over, the person under escort, as the case may be, and

- (iii) any other time that may be allowed by the chief constable, so however that, if the constable is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period not exceeding eight hours, during which the constable is not in charge of the person under escort as he considers appropriate in the circumstances;
- (b) where the tour or tours of duty does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty; and
- (c) where a constable is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime, disregarding any overtime reckonable by virtue of regulation 24 (Traveling time treated as duty), he shall be deemed on that occasion to have worked for such period that he is entitled to reckon 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 24.
- (8) For the purposes of this regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- “a day’s pay” means the constable’s pay for the week in question divided by 5;
- “constable recalled to duty” does not include a constable who is only warned to be in readiness for duty if required;
- “pay period” means the period for which, in pursuance of regulation 39, a constable is paid;
- “week” means the period of 7 days beginning with such day as is fixed by the chief constable.”.

Public holidays and rest days for lower ranks

7. There shall be substituted for regulation 23 of the principal regulations the following provision:—

“Public holidays and rest days for lower ranks

23.—(1) This regulation shall apply to every constable below the rank of superintendent.

(2) Subject to the following provisions of this regulation, a constable shall, so far as the exigencies of duty permit, be allowed a day’s leave on each public holiday and be granted rest days at the rate of two rest days in respect of each week: provided that on any occasion or occasions of emergency the Secretary of State may direct that this paragraph shall apply only to such extent and under such conditions as he may determine.

(3) A constable who is required to do duty on a day which is a rostered rest day shall be granted—

- (a) where he receives less than 8 days’ notice of the requirement, an allowance at the appropriate rate and, in addition, another rest day

in lieu thereof, which shall be notified to him within 4 days of notification of the requirement;

- (b) where he receives at least 8 but less than 29 days' notice of the requirement, an allowance at the appropriate rate;
 - (c) in any other case, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement.
- (4) A constable who is required to do duty on a day which is a public holiday shall be granted—
- (a) where he receives less than 8 days' notice of the requirement, an allowance at the appropriate rate and in addition, another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement and which shall be treated for the purposes of this regulation as a public holiday;
 - (b) in any other case, an allowance at the appropriate rate.

(5) A constable who is required to do duty on a day which is a public holiday or rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (3)(a) or (b) or paragraph 4(a) or (b), time off equal—

- (a) in the case of a day which is a public holiday, to double, and
 - (b) in the case of a rostered rest day, to one and a half times,
- the period of completed quarters of an hour of duty on the day in question.

(6) Where such a constable who is required to do duty on a day which is a public holiday or rostered rest day has elected to receive time off as mentioned in paragraph (5), the chief constable shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix; and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (3)(a) or (b) or, as the case may be, paragraph 4(a) or (b).

(7) Subject to paragraph (8), for the purposes of this regulation—

- (a) a constable who is paid an allowance under regulation 57 (dog handler's allowance) shall not be treated as being required to do duty by reason only of his being required to care for the dog;
- (b) "a day's pay" means a week's pay at the rate at which the constable was paid on the day in question divided by five;
- (c) "the appropriate rate" means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday, and three sixty-fourths of a day's pay for each such period of duty done on a rostered rest day;
- (d) a reference to a day which is a public holiday is to be construed, in relation to the constable concerned, as a reference to a day within the meaning of regulation 21(5) commencing at any time on the calendar date of the public holiday in question;

- (e) a reference to a rostered rest day is to be construed as a reference to a day which, according to the roster of duties under regulation 21A was, immediately before the requirement to do duty on that day, to have been a rest day for the constable concerned;
- (f) in paragraph (2) the expression “week” means a period of 7 days beginning with such day as is fixed by the chief constable;
- (g) a period of less than 4 completed hours of duty on a day which is a public holiday or on a rostered rest day shall be treated as though it were a period of 4 completed hours of duty; and
- (h) where a constable is required to do duty on a day which is a public holiday or on a rostered rest day, his period of duty shall include (save for the purposes of sub-paragraph (g)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable limit as may be fixed by the chief constable, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—
 - (i) which together with the constable’s period of duty exceeds 6 hours, or
 - (ii) which is treated as a period of duty under regulation 24.

(8) Where it is at his own request that a constable works on a day which is a public holiday or a rostered rest day he shall not be treated for the purposes of this regulation as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday or a rostered rest day, as the case may be.”.

Travelling time treated as duty

8. In paragraph (2) of regulation 24 of the principal regulations (travelling time treated as duty), after the words “regulation 23” there shall be inserted the words “(other than paragraph (7)(g) thereof)”.

Plain clothes allowance

9. For paragraphs (1) and (2) of regulation 50 of the principal regulations (plain clothes allowance) there shall be substituted the following paragraphs:—

“(1) A constable below the rank of assistant chief constable who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance at such annual rate as shall be determined by the Secretary of State.

(2) A constable below the rank of superintendent who is required to perform duties in plain clothes for not less than 40 hours in the aggregate in any period of 6 months shall, subject to paragraph (3), be paid a plain clothes allowance in respect of such duties at such hourly rate as shall be determined by the Secretary of State.”.

Annual leave

10. In Schedule 2 to the principal regulations (annual leave) there shall be inserted after paragraph 3A the following paragraph:—

“3B.—(1) Subject to paragraph (2), days of annual leave granted under this Schedule may be taken, in the discretion of the chief constable and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day, or as half days.

(2) In the case of a constable below the rank of superintendent, not more than 3 days of annual leave shall be taken as half days, and where annual leave is so taken, the constable—

(a) shall do duty on that day for 4 hours, and

(b) shall not be entitled to be allowed an interval for refreshment such as is mentioned in regulation 21(3).”.

Bicycle allowance

11. In paragraph 1 of Schedule 6 to the principal regulations (bicycle allowance) for the sum “£40” there shall be substituted the sum “£50”.

Typewriter allowance

12.—(1) For paragraph (1) of regulation 56 of the principal regulations (typewriter allowance) there shall be substituted the following paragraph:—

“(1) Where, immediately before 26th September 1985, a constable was in receipt of a typewriter allowance in accordance with Schedule 7 in respect of the use of a typewriter owned by him which he is authorised by the chief constable to use for the purposes of duties normally and from time to time performed by him, he shall, in respect of such use, continue to be paid such an allowance, and the police authority shall continue to supply him with typewriter ribbons free of charge.”.

(2) In paragraph 1 of Schedule 7 to the principal regulations for the sum “£10” there shall be substituted the sum “£20”.

University scholars

13.—(1) In paragraph 2 of Schedule 9 to the principal regulations (university scholars), after “21,” there shall be inserted “21A,”.

(2) In paragraph 3(2) of Schedule 9 to the principal regulations (university scholars), for the sum “£801” there shall be substituted the sum “£837”.

Revocation

14. Regulation 10 of the Police (Scotland) Amendment Regulations 1980(a) (bicycle allowance), regulation 7 of the Police (Scotland) Amendment (No. 2) Regulations 1981(b) (typewriter allowance) and regulation 6 of the Police (Scotland) Amendment (No. 3) Regulations 1983(c) (university scholars) are hereby revoked.

New St Andrew’s House,
Edinburgh.
16th August 1985.

George Younger,
One of Her Majesty’s Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Police (Scotland) Regulations 1976 with effect, as provided in regulation 2, in the case of regulation 13 as from 1st July 1984, in the case of regulations 11 and 12(2) as from 1st January 1985, in the case of regulation 9 as from 1st April 1985 and otherwise as from 26th September 1985. Retrospection is authorised by section 26(3) of the Police (Scotland) Act 1967.

Regulation 4 amends the provision made by regulation 21 of the 1976 Regulations for defining and regulating the normal daily period of duty of a police constable. Time occupied in reporting at the appointed place for duty is no longer included in the definition. Where annual leave is taken as a half day (by virtue of the amendment to Schedule 2 to the 1976 Regulations by regulation 10 of these regulations) there will be no entitlement to an interval for refreshment under regulation 21(3). The chief constable is required to determine the force day, in consultation with the joint branch board of the Scottish Police Federation. Regulation 5 provides for the preparation and publication by chief constables of annual duty rosters and for their subsequent alteration, owing to the exigencies of duty.

Regulations 6 and 7 make new, simplified provision for allowances and time off in respect of overtime and cases where constables are required to work on a public holiday or a rostered rest day (substituted regulations 22 and 23 respectively). All periods of casual overtime of 30 minutes or more will henceforth be compensated at the rate of time and a third (substituted regulation 22(3)). An officer will be entitled to a minimum of 4 hours' compensation at overtime rates when he is recalled to duty between 2 rostered tours of duty (substituted regulation 22(7)(c)). Where an officer is required to work on a rostered rest day and 8 days' or more notice is given of the requirement, the present practices are replaced by uniform rules depending on whether 29 days' notice is given (substituted regulation 23(3)(b) and (c)). Compensation is improved where an officer is given less than 8 days' notice of a requirement to work on a public holiday (substituted regulation 23(4)). Provision for electing to receive time off in lieu of an allowance is simplified (substituted regulation 23(5)).

Regulation 9 increases plain clothes allowances. Regulation 10 regulates the manner in which annual leave may be taken. Regulation 11 increases the bicycle allowance. Regulation 12 increases the typewriter allowance (which will henceforth apply only in cases where it was being paid immediately before 26th September 1985). Regulation 13 increases the supplement payable to a constable of a Scottish police force who takes up residence as a university scholar in London.

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