
STATUTORY INSTRUMENTS

1993 No. 3081 (S.294)

POLICE

The Police (Scotland) Amendment Regulations 1993

Made - - - - - *9th December 1993*
Laid before Parliament *10th December 1993*
Coming into force - - *1st January 1994*

The Secretary of State, in exercise of the powers conferred on him by section 26 of the Police (Scotland) Act 1967⁽¹⁾, and of all other powers enabling him in that behalf, after taking into consideration any representations made by the Police Advisory Board for Scotland following the submission of a draft of the Regulations in accordance with section 26(9) of the said Act of 1967, and after taking into consideration any 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⁽²⁾, hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Police (Scotland) Amendment Regulations 1993.

Commencement

2. These Regulations shall come into force on 1st January 1994, and shall have effect—
 - (a) for the purposes of regulations 4, 5 and 6 as from 1st January 1994;
 - (b) for the purposes of regulation 7 as from 1st April 1990;
 - (c) for the purposes of regulation 8 as from 1st April 1989;
 - (d) for the purposes of regulation 9 as from 1st April 1993, subject to the transitional provisions in regulation 12 of these Regulations;
 - (e) for the purposes of regulation 11 as from 1st January 1993.

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

Interpretation

3. In these Regulations any reference to “the principal Regulations” is a reference to the Police (Scotland) Regulations 1976(3).

Meanings assigned to certain expressions

4. Regulation 1(2)(g) of the principal Regulations shall be amended by inserting after the definition of “inspector”–

““joint branch board” means the joint branch board mentioned in regulation 7(3) of the Police Federation (Scotland) Regulations 1985(4);”.

Variable shift arrangements

5. There shall be inserted after regulation 21A(5) of the principal Regulations the following regulation:–

“Variable shift arrangements

21B. –

(1) This regulation applies to every constable below the rank of superintendent.

(2) A chief constable may, if he has obtained the consent of the Secretary of State to his doing so, bring into operation variable shift arrangements agreed by him with the joint branch board for all constables to whom this regulation applies or for any particular class of such constables.

(3) Variable shift arrangements must provide, as respects constables for whom they are in operation–

- (a) for hours of duty equivalent to those resulting from the application to other constables of regulations 21(2) and 23(2), and
- (b) for annual leave equivalent to that resulting from the application to other constables of regulation 26(1) and Schedule 2.

(4) In relation to constables for whom variable shift arrangements are in operation these Regulations have effect with the modifications set out in Schedule 1A.”.

Modifications for variable shift arrangements

6. After Schedule 1 to the principal Regulations there shall be inserted Schedule 1A set out in the Schedule to these Regulations.

Transitional rent allowance

7.—(1) In regulation 42B(5) of the principal Regulations (transitional rent allowance)(6) for the words “half the annual rate of rent allowance payable to him” there shall be substituted the words “flat-rate rent allowance payable to constables of his force of the rank he held”.

(2) After regulation 42B(5) of the principal Regulations there shall be inserted the following paragraphs:–

(3) S.I. 1976/1073; the relevant amending instruments are S.I. 1982/1628, 1985/1325, 1986/576, 1987/423, 1990/469, 1990/1312, 1992/1432 and 1992/3170.

(4) S.I. 1985/1531.

(5) Regulation 21A was inserted by S.I. 1985/1325.

(6) Regulation 42B was inserted by S.I. 1990/469, and paragraph (8A) was inserted into that regulation by S.I. 1990/1312.

- “(5A) Where a constable in receipt of a transitional rent allowance—
- (a) was entitled on 31st March 1990 to a flat-rate rent allowance, and
 - (b) is married to (but not separated from) a woman constable who on or after 1st April 1990 begins a period of unpaid maternity leave,

his transitional rent allowance shall, during his wife’s period of unpaid maternity leave, be payable at an annual rate equivalent to the maximum limit rent allowance which would have been payable to him on 31st March 1990 in respect of the accommodation in which he was living on 31st March 1990 if his wife had then been on unpaid maternity leave.

- (5B) Where a constable in receipt of a transitional rent allowance—
- (a) was entitled on 31st March 1990 to a flat-rate rent allowance, and
 - (b) was then and remains married to (but not separated from) a constable of a police force who is also in receipt of a transitional rent allowance and who on or after 1st April 1990 resigns (otherwise than upon immediate transfer to another force), retires or is discharged by reason of his services being dispensed with under regulation 12 (whether or not, in the case of a woman constable, the resignation, retirement or discharge immediately follows a period of unpaid maternity leave),

his transitional rent allowance shall, after the date on which that resignation, retirement or discharge takes effect, be payable at an annual rate equivalent to the maximum limit rent allowance which would have been payable to him on 31st March 1990 in respect of the accommodation in which he was living on 31st March 1990 if the person to whom he is married had not then been a constable of a police force.”.

(3) In regulation 42B(8A) (c) of the principal Regulations (transitional rent allowance) for the words “paragraph (8)” there shall be substituted the words “paragraph (5A), (5B) or (8)”.

(4) For sub-paragraph (e) of regulation 42C(3) of the principal Regulations (transitional rent allowance)(7) there shall be substituted the following sub-paragraph:—

- “(e) in paragraph (5), for the word “was” there were substituted the words “would (if he had then been a constable of his police force) have been”, and for the words which follow “be equal to” there were substituted the words “the flat-rate rent allowance” payable on 31st March 1990 to constables of his force of the rank in which he was serving immediately before the commencement of his period of central service or overseas service.”.

Provided accommodation allowance

8. In regulation 45A of the principal Regulations (provided accommodation allowance)(8) for paragraph (1) there shall be substituted the following paragraph:—

- “(1) This paragraph applies to—
- (a) a constable who was on 31st March 1989 occupying a house or quarters with which he was provided by his police authority free of rent and rates and who on or after 1st April 1989 continued to occupy such accommodation free of rent;
 - (b) a constable who having been in receipt of rent allowance on 31st March 1989 took up on or after 1st April 1989 and before 1st April 1990 occupation of a house or quarters with which he was provided by his police authority free of rent and rates and who was occupying such accommodation on 31st March 1990 (but applies only from the date on which he took up that occupation); and

(7) Regulation 42C was inserted by S.I. 1990/469.

(8) Regulation 45A was inserted by S.I. 1990/469.

- (c) a woman constable who on 31st March 1989 was on unpaid maternity leave under regulation 28 and had ceased to occupy a house or quarters provided by her police authority free of rent and rates by reason only of her being on that leave and who on her subsequent return to duty again occupied a house or quarters so provided (but applies only from the date of that return to duty);

and again applies (from the date of her return to duty) to a woman constable to whom subparagraph (a), (b) or (c) has applied, who has ceased to be provided with a house or quarters free of rent by reason only of her being on unpaid maternity leave under regulation 28 and who on her subsequent return to duty is again so provided.”.

Removal allowance

9. In regulation 47(6) of the principal Regulations (removal allowance)(9) for the sum “£1,257” there shall be substituted the sum “£1,290”.

Restrictions on the private lives of constables

10. In paragraph 2 of Schedule 1 to the principal Regulations (restrictions on the private life of constables) there shall be inserted at the end the words—

“and such approval may be given—

- (a) in relation to any specified case or cases; or
- (b) generally in relation to all cases or in relation to all cases subject to specified exceptions.”.

Annual leave

11.—(1) Subject to paragraph (2) below, paragraph 1A of Schedule 2 to the principal Regulations (annual leave)(10) shall be amended as follows:—

- (a) for the words “31st December 1986” where they twice occur there shall be substituted the words “31st December 1993”; and
- (b) in the second column of the Table for the figures “20”, “22”, “25”, “26” and “28” there shall be substituted the figures “21”, “23”, “26”, “27” and “29” respectively.

(2) For the purpose of the first leave year (within the meaning of “leave year” given in paragraph 4(1) of Schedule 2 to the principal Regulations) beginning after 31st December 1992, paragraph 1A of that Schedule shall have effect as if for the figures “20”, “22”, “25”, “26” and “28” in the second column of the Table there were substituted the figures “22”, “24”, “27”, “28” and “30” respectively.

Transitional and saving provision

12. Notwithstanding the provisions of regulation 9 of these Regulations, regulation 47 of the principal Regulations shall continue to apply as it had effect immediately before the coming into force of these Regulations in relation to any move which took place before 1st April 1993.

Revocation

13. Regulation 7 of the Police (Scotland) Amendment Regulations 1992(11) is hereby revoked.

(9) The sum specified in regulation 47(6) was substituted by S.I. [1992/3170](#).

(10) Paragraph 1A of Schedule 2 was inserted by S.I. [1987/423](#).

(11) S.I. [1992/3170](#).

St. Andrew's House,
Edinburgh
9th December 1993

Fraser of Carmyllie
Minister of State, Scottish Office

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SCHEDULE

Regulation 6

“SCHEDULE 1A

Regulation 21B

MODIFICATIONS FOR VARIABLE SHIFT ARRANGEMENTS

1. In regulation 21 (normal daily period of duty) for paragraphs (2) to (4) substitute—
- “2. As far as the exigencies of duty permit, a shift shall consist of one continuous period.
3. Where in one day a constable is on duty for a continuous period of 5 hours or more, time for refreshment shall, so far as the exigencies of duty permit, be allowed in accordance with the Table below.

<i>Number of hours on duty</i>	<i>Refreshment time</i>
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

4. Where a shift consists of two periods amounting in total to 5 hours or more and the constable does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.”.
2. In regulation 21A (rostering of duties for lower ranks)—
- (a) in paragraph (1) omit the word “annual”;
- (b) in paragraph (3)—
- (i) for the words “the 12 months following the date on which it comes into force” substitute “the period for which it has effect”, and
- (ii) in sub-paragraph (a) for the words “his scheduled daily periods of duty are” substitute “each of his shifts is”;
- (c) in paragraph (4)(a) for the words “daily periods of duty” substitute “shifts”; and
- (d) in paragraph (5) for the words “daily period of duty” substitute “shift”.
3. In regulation 22 (overtime)(12)—
- (a) in paragraph (1)—
- (i) for the words “his tour of duty” substitute “a rostered shift”;
- (ii) for the words “tours of duty” substitute “rostered shifts”; and
- (iii) for the words “a tour of duty” and for the words “his normal daily period of duty” substitute “a rostered shift”;
- (b) in paragraph (6) for the word “tour”, wherever occurring, substitute “shift”;
- (c) omit paragraph (7)(b);
- (d) in paragraph (7)(c) for the words “tours of duty” substitute “shifts”;
- (e) in paragraph (7)(d)—

(12) Regulation 22 was substituted by S.I. 1985/1325 and amended by S.I. 1990/469.

- (i) for the words “tour of duty” substitute “shift”;
 - (ii) for the words “begin that tour” substitute “begin that shift”;
 - (iii) for the words “his normal daily period of duty” substitute “a rostered shift”; and
 - (iv) for the words “that tour of duty” substitute “that shift”; and
 - (f) in paragraph (8) in the definition of “due notice” for the words “tour of duty” substitute “shift”.
4. In regulation 23 (public holidays and rest days for lower ranks)(**13**) in paragraph (2) after the words “the rate of” insert “not less than”.
5. In regulation 24 (travelling time treated as duty) substitute for paragraph (1)–
“(1) This regulation applies to a constable where–
(a) his shift consists of two separate periods, or
(b) he is recalled to duty between two shifts,
and he travels to and from his home between those periods or, as the case may be, in consequence of his recall (in this regulation referred to as “relevant travelling”).”.
6. In regulation 26 (annual leave) omit paragraph (1).
7. In regulation 30A (temporary salary)(**14**)–
(a) omit paragraphs (1) and (2);
(b) in paragraph (3)–
(i) for the words from “has been required” to “equal to” substitute “has had qualifying shifts amounting in total to 112 hours shall be paid in respect of each further qualifying shift in that year at the hourly rate arrived at by dividing by 8 a day’s pay at”; and
(ii) in the proviso for the words after “granted” substitute “time off equal to the time spent on duty on that day.”;
- (c) in paragraph (3A)(**15**)–
(i) for sub-paragraph (a) substitute–
“(a) has a qualifying shift as his last rostered shift in any year; and”;
- (ii) in sub-paragraph (b) for the word “day” substitute “shift”;
- (iii) for sub-paragraph (c) substitute–
“(c) has a qualifying shift as his first rostered shift in the next following year.”;
- (iv) for the words from “the day” to “formed part of” substitute “the shift mentioned in sub-paragraph (c) and any qualifying shifts beginning on days that follow consecutively the day on which that shift began had occurred in”; and
- (v) in the proviso, for the words “day or days” substitute “shift or shifts”; and
- (d) for paragraph (4)(b) substitute–
“(b) the expression “qualifying shift” means, in relation to a constable, a rostered shift throughout which he is required to perform duties normally performed by a constable of a higher rank than his own.”.

(13) Regulation 23 was substituted by S.I. [1985/1325](#).

(14) Regulation 30A was inserted by S.I. [1982/1628](#).

(15) Paragraph (3A) was inserted by S.I. [1992/1432](#).

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8. In regulation 52 (refreshment, subsistence and lodging allowances) at the end of paragraph (3) insert “, and references in this regulation to a constable’s normal daily period of duty are to be construed as references to a rostered shift.”.

9. In regulation 63 (allowance for recurring escort duty, etc) for the words “beyond the normal daily period” substitute “after rostered shifts”.

10. Omit Schedule 2.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Police (Scotland) Regulations 1976 (“the principal Regulations”). They come into force on 1st January 1994 and have effect for the purposes of regulations 4, 5 and 6 as from 1st January 1994, regulation 7 as from 1st April 1990, regulation 8 as from 1st April 1990, regulation 9 as from 1st April 1993 and regulation 11 as from 1st January 1993. Retrospection is authorised by section 26(3) of the Police (Scotland) Act 1967.

Regulation 5 inserts into the principal Regulations a new regulation 21B which authorises a chief constable, with the consent of the Secretary of State, to bring into operation variable shift arrangements agreed with the Police Federation joint branch board. The arrangements may be for all constables below the rank of superintendent or for a particular class, and must provide for hours of duty and annual leave equivalent to those of other constables.

The principal Regulations are applied to variable-shift constables with the modifications set out in a new Schedule 1A (inserted by regulation 6). Paragraphs 1, 6 and 10 disapply the provisions of the principal Regulations relating to the normal (8-hour) daily period of duty and to annual leave. Paragraph 2 provides for a more flexible system of duty rosters; paragraphs 3, 4, 5, 7, 8 and 9 make modified provision for, respectively, overtime payments, rest days, travelling time, temporary salary while performing the duties of a higher rank, subsistence allowance and escort duty allowance.

Regulation 7(1) and (4) provides that a transitional rent allowance payable to a constable shall be equal to the amount of flat-rate rent allowance payable to a constable of the rank and force then held by him on 31st March 1990.

Regulation 7(2) provides that where a constable in receipt of a transitional rent allowance is married to a woman constable who takes unpaid maternity leave, he will receive an enhanced allowance during her period of leave, thus bringing the arrangements for transitional rent allowance into line with housing allowance.

Regulation 7(2) provides further that where two constables are married to (and are not separated from) each other and each is in receipt of transitional rent allowance and one of them retires, resigns or is discharged while a probationer, the other may thereafter receive a transitional rent allowance at an enhanced rate; and Regulation 7(3) makes consequential provision.

Regulation 8 cures an anomaly by providing for payment of a provided accommodation allowance to a constable who had not qualified for payment of either a transitional rent allowance or a provided accommodation allowance, and restores the eligibility for a provided accommodation allowance of a woman constable following a period of unpaid maternity leave when it was not payable to her.

Regulation 9 increases the maximum amount payable in respect of removal allowance from £1,257 to £1,290.

Regulation 10 amends the requirement of approval as to the place at which a constable resides by enabling such approval to be given in any specified case or cases or generally in relation to all cases or in relation to all cases subject to specified exceptions.

Regulation 11 provides for an increase in the annual leave entitlement of constables by one day for leave years beginning after 31st December 1993. The Police Negotiating Board recommended that this increase should have effect for leave years beginning after 31st December 1991; the transitional provision in paragraph (2) provides compensation in the form of an extra 2 days leave for leave years beginning during 1993.