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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 257**

**The Police (Scotland) Regulations 2004**

**PART 1**

**COMMENCEMENT AND INTERPRETATION**

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Police (Scotland) Regulations 2004.
- (2) These Regulations shall come into force on 25th June 2004 but—
- (a) regulation 6(2) to (4) shall have effect from 1st September 1998;
  - (b) regulation 24(3)(f) shall have effect from 1st December 1999 to 5th April 2003;
  - (c) regulation 24(3)(g), (h) (so far it relates to maternity support leave and adoption support leave), (i) and 33(8)(d) shall have effect from 6th April 2003;
  - (d) regulation 42 shall have effect from 1st September 2002 so far as relating to the Port of Tilbury Constabulary.

**References to transfers**

2.—(1) Except where the context otherwise requires, a reference in these Regulations to a member of a police force voluntarily transferring from one force to another shall be construed as a reference to such a member leaving a force for the purpose of joining another force and joining that other force, where that member left the force first mentioned in this regulation on or after 1st January 1963 for the purposes aforesaid with, in the case of the chief constable, the consent of the police authority.

(2) Except where the context otherwise requires, a reference in these Regulations to a member of a police force being statutorily transferred from one force to another shall be construed as a reference to such a member being transferred by or under the Police Scotland Act 1967 as amended both by the Local Government (Scotland) Act 1973(1) and the Local Government (Scotland) Act 1994(2).

(3) Except where the context otherwise requires, a reference in these Regulations to a member of a police force transferring from one force to another shall be construed as a reference to his either voluntarily so transferring or being statutorily so transferred.

**References to provisions of these Regulations**

3. In these Regulations, unless the context otherwise requires, a reference to a regulation shall be construed as a reference to a regulation contained in these Regulations, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations, a reference to a paragraph shall be construed as a reference to a paragraph in the same regulation or, as the case may be, the same Part of the same Schedule and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

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(1) 1973 c. 65.  
(2) 1994 c. 39.

## Interpretation

4.—(1) In these Regulations, unless the context otherwise requires—

“the 1967 Act” means the Police (Scotland) Act 1967;

“British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949<sup>(3)</sup>;

“chief constable” means the person who is appointed to the office of chief constable of a police force;

“Conduct Regulations” means the Police (Conduct) (Scotland) Regulations 1996<sup>(4)</sup>, and the Police (Senior Officers) (Scotland) Regulations 1999<sup>(5)</sup>;

“maternity leave” means leave taken in accordance with the provisions of a determination under regulation 33 by a qualified member of a police force during the maternity period;

“member of a police force” means a constable of a police force (including the chief constable of a police force) and includes such a member who is suspended under the Conduct Regulations;

“pensionable service” has the same meaning as in the Police Pensions Regulations 1987<sup>(6)</sup>;

“the representative bodies” means the Police Federation for Scotland and all bodies for the time being recognised by the Scottish Ministers for the purposes of section 64 of the Police Act 1996;

“senior officer” means a member who is a chief constable a deputy chief constable or an assistant chief constable;

“university scholar” means a member of a police force on a course of university study nominated by the Scottish Ministers or by the police authority maintaining the police force of which that member is a member following arrangements approved by the Scottish Ministers;

“week” means a period of seven days beginning with Sunday.

(2) Nothing in these Regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

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(3) 1949 c.xxiv.

(4) S.I.1996/1642 amended by S.S.I. 1999/1072.

(5) S.I. 1999/1074.

(6) S.I. 1987/257, amended by S.I. 1987/2215, 1988/1339, 1989/733, 1990/805, 1992/1343, 1992/2349, 1994/641, 1996/867 and 1997/1429.