
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 35

The Police Service of Scotland Regulations 2013

PART 5

LEAVE

Leave

25.—(1) Every constable must, so far as the exigencies of duty permit, be granted in each leave year such annual leave as may be determined by the Scottish Ministers, and in this regulation “leave year” means that period of 12 months beginning on such date as may from time to time be determined by the Authority.

(2) In making a determination under paragraph (1), the Scottish Ministers may confer on the chief constable discretion—

- (a) to grant such additional days of annual leave in any leave year in such circumstances and subject to such conditions as the Scottish Ministers may determine; and
- (b) subject to such conditions as the Scottish Ministers may determine, to allow days of annual leave granted under this regulation to be taken as a single period, or as single days, or in periods of more than one day or as half days.

(3) In a determination under paragraph (1) the Scottish Ministers must make provision for the compensation of a constable for being recalled to duty during a period of annual leave granted under this regulation.

(4) Annual leave granted under this regulation is additional to the days on which the constable is not required to perform police duties in accordance with a determination under regulation 18 (public holidays and rest days).

(5) A constable must not be absent from duty on account of injury or illness otherwise than in such circumstances as must be determined by the Scottish Ministers, and in making such a determination the Scottish Ministers may confer on the Authority power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under the determination.

(6) A constable who is pregnant has, in such circumstances as must be determined by the Scottish Ministers, the right not to be unreasonably refused special leave from duty to enable the constable to keep an appointment for the purpose of receiving antenatal care.

(7) A constable qualifies for maternity leave [^{F1}, shared parental leave] and paternity leave in such circumstances as must be determined by the Scottish Ministers.

(8) A constable must, so far as the exigencies of duty permit, be granted such—

- (a) maternity support leave;
- (b) parental leave;
- (c) adoption leave; and
- (d) adoption support leave,

in such circumstances, as the Scottish Ministers must determine.

(9) In this regulation “maternity support leave” means leave to enable support to be given to an expectant mother at or around the time of birth and “adoption support leave” means leave to enable support to be given to an adoptive parent at or around the time of adoption.

(10) A constable must, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependant of that constable, and subject to such conditions, as must be determined by the Scottish Ministers; and for this purpose the Scottish Ministers may determine the meaning of “dependant” in relation to constables.

(11) The Scottish Ministers may determine that any period of leave or time off taken in accordance with a determination under paragraph (1), (6), (8) or (10) is to be treated as a period of duty.

(12) Paragraph (5) and any determination thereunder apply to a constable who is in quarantine as they apply to a constable who is ill subject, in the case of such a determination, to such modifications as may be determined by the Scottish Ministers.

(13) The Scottish Ministers must determine the circumstances and manner in which a constable is entitled to take a career break and return to duty after taking such a career break.

(14) In making a determination under paragraph (13), the Scottish Ministers may confer functions on the—

- (a) Authority in relation to a constable who holds the rank of assistant chief constable or a higher rank, who takes a career break;
- (b) chief constable in relation to a constable who holds the rank of chief superintendent or a lower rank, who takes a career break.

(15) The chief constable may authorise that any of the functions which are conferred on the chief constable under a determination made under paragraph (13) in relation to career breaks may be carried out by a constable who holds the rank of chief superintendent or a higher rank.

(16) Any determination made under paragraph (13) is without prejudice to any arrangements in place under which a constable is taking a career break at the time that paragraph comes into force.

Textual Amendments

- F1** Words in [reg. 25\(7\)](#) inserted (9.2.2017) by [The Police Service of Scotland \(Amendment\) Regulations 2016 \(S.S.I. 2016/419\)](#), [regs. 1, 2\(3\)](#)
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Commencement Information

- I1** [Reg. 25](#) in force at 1.4.2013, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Police Service of Scotland Regulations 2013, PART 5.