
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 35

The Police Service of Scotland Regulations 2013

PART 7

RECKONING OF SERVICE

Reckoning of service

31.—(1) Subject to regulation 32 and section 15 of the 2012 Act, in reckoning the service of a constable in any rank for the purposes of pay—

- (a) account is to be taken of all that constable's service in that rank;
- (b) where the constable has served in any rank with a police force, account is to be taken of all that constable's service in that rank as if it were service in the corresponding rank in the Police Service; and
- (c) service in a higher rank, on temporary promotion thereto, is to be treated as if it had been service in that higher rank.

(2) For the purposes of this regulation in reckoning a constable's service in any rank—

- (a) that service is to be treated as unbroken by, and including, any period of service in Her Majesty's naval, military or air forces which the constable is entitled to reckon as pensionable service;
- (b) account is to be taken of service in that rank whether it is by virtue of the constable's current appointment to the Police Service or a previous such appointment;
- (c) except where the Authority in the circumstances of a particular case otherwise determines with the approval of the Scottish Ministers, no account is to be taken of any previous service in that rank which terminated in that constable's reduction in rank as a punishment but any previous service in a higher rank which so terminated is to be treated as if it had been service in the rank to which that constable was reduced;
- (d) no account is to be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 19;
- (e) any period of unpaid leave is to be disregarded;
- (f) any part-time service is to be taken into account as though it were full-time service;
- (g) in the case of a constable who has taken one or more periods of maternity leave [^{F1}, shared parental leave] or paternity leave (taken in accordance with a determination under regulation 25(7)) or adoption leave (taken in accordance with a determination under regulation 25(8)(c)), the Scottish Ministers must determine how and how much account is to be taken;
- (h) account is to be taken of any period of maternity support leave, parental leave and adoption support leave taken in accordance with a determination under regulation 25(8)(a), (b) and (d) respectively,

and in the case of a constable of a rank higher than that of chief inspector, paragraph (1) has effect subject to any contrary agreement so far as it relates to the reckoning of previous service.

(3) In this regulation “corresponding rank of the Police Service” means the rank designated by the Scottish Ministers as being the corresponding rank in the Police Service.

Textual Amendments

- F1** Words in [reg. 31\(2\)\(g\)](#) inserted (9.2.2017) by [The Police Service of Scotland \(Amendment\) Regulations 2016 \(S.S.I. 2016/419\)](#), regs. 1, **2(5)**
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Commencement Information

- I1** [Reg. 31](#) in force at 1.4.2013, see [reg. 1](#)

Reckoning by constables of overseas police service

32.—(1) A constable of the Police Service of the rank of constable is entitled to reckon for the purposes of pay for that rank any period of certified overseas police service such as is mentioned in paragraph (2).

- (2) The reference in paragraph (1) to certified overseas police service is a reference to—
- (a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being [^{F2}a British overseas] territory within the meaning of the British Nationality Act 1981(1) or, where appropriate, the territory or country wherein the [^{F3}British overseas] territory was incorporated after the inception of the service, subject to it having been certified by or on behalf of the Secretary of State that—
 - (i) the service was, at its inception, pensionable; and
 - (ii) in the Secretary of State’s opinion the individual concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question; or
 - (b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that—
 - (i) the individual concerned so served under a contract of service;
 - (ii) immediately before the individual ceased so to serve, the individual concerned was, for the purposes of section 12 of the Overseas Development [^{F4}and Co-operation] Act 1980(2), an individual designated in accordance with such an agreement as is therein mentioned; and
 - (iii) in the Secretary of State’s opinion the individual concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that it does not include a reference to service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980(3) or service pursuant to appointment made in connection with the provision by the Secretary of State of assistance under the International

(1) [1981 c.61.](#)

(2) [1980 c.63.](#) Section 12 was repealed by Schedule 4 to the International Development Act 2002 (c.1) but, by virtue of paragraph 4 of Schedule 5 to that Act, the repeal does not prevent any agreement entered into under section 12 from continuing to have effect.

(3) Section 10 was repealed by Schedule 4 to the International Development Act 2002 (c.1) but, by virtue of paragraph 3 of Schedule 5 to that Act, officers holding appointment under that section immediately before repeal continue to hold office under that section after repeal.

Development Act 2002(4) where that member has a right of reversion under section 15(5) of the 2012 Act.

Textual Amendments

- F2** Words in [reg. 32\(2\)\(a\)](#) substituted (18.5.2013) by [The Police Service of Scotland \(Amendment\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/125\)](#), regs. 1, **2(5)(a)(i)**
- F3** Words in [reg. 32\(2\)\(a\)](#) substituted (18.5.2013) by [The Police Service of Scotland \(Amendment\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/125\)](#), regs. 1, **2(5)(a)(ii)**
- F4** Words in [reg. 32\(2\)\(b\)\(ii\)](#) inserted (18.5.2013) by [The Police Service of Scotland \(Amendment\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/125\)](#), regs. 1, **2(5)(b)**

Commencement Information

- I2** [Reg. 32](#) 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 7.