

## SCHEDULE 2

Regulations 16 and 29

### EFFECT OF DISCIPLINARY ACTION ON PAY AND ALLOWANCES

- 1.—(1) Subject to paragraph 3, a constable suspended under the Conduct Regulations who—
- (a) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prisons (Scotland) Act 1989(1) applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence; or
  - (b) has absented himself or herself from duty and whose whereabouts are unknown to the chief constable (or deputy chief constable acting under a designation under section 18(3) of the 2012 Act),

is not, by virtue of regulation 16 and Part 7, entitled to pay in respect of that constable's period in detention or custody or, as the case may be, in respect of the period during which that constable's whereabouts are unknown.

(2) Where the constable suspended is a senior officer, sub-paragraph (1)(b) has effect as if for the words "to the chief constable (or deputy chief constable acting under a designation under section 18(3) of the 2012 Act)" there were substituted "to the Authority".

2. Subject to paragraph 3, a constable suspended under the Conduct Regulations is not, by virtue of Part 6 of these Regulations, entitled to any allowance, in respect of the period of suspension, other than—

- (a) a replacement allowance in accordance with the Police (Scotland) Regulations 2004; or
- (b) in the case of a constable to whom paragraph 3(c) does not apply, such allowance as the Scottish Ministers may determine.

3. Where a constable returns to duty when the period of suspension comes to an end and—

- (a) it has been decided that that constable is not to be charged with a disciplinary offence;
- (b) that constable has been so charged and all the charges have been dismissed; or
- (c) that constable has been so charged and has been punished by a reduction in that constable's rate of pay, fine, reprimand or caution,

that constable must receive, as from the date of that constable's suspension, the pay to which, but for paragraph 1, and the allowances to which, but for paragraph 2, that constable would have been entitled by virtue of these Regulations.

4. Where a constable of the Police Service is fined under the Conduct Regulations the fine may, without prejudice to any other method of recovery, be recoverable by way of deductions from the constable's pay during the period of 13 weeks following the imposition of the fine so, however, that the aggregate sum which may be deducted in pursuance of this paragraph in respect of any one week (whether on account of one or more fines) must not exceed a seventh of that constable's weekly pay:

Provided that in the event of the constable leaving the Police Service, the whole amount of any unpaid fine may be deducted from any pay then due.

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(1) 1989 c.45.