

2024 No. 179

POLICE

The Police Service of Scotland (Amendment) Regulations 2024

Made - - - - *18th June 2024*

Laid before the Scottish Parliament *20th June 2024*

Coming into force - - *4th October 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 48, 50(3), 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012(a) and all other powers enabling them to do so.

In accordance with section 54(1)(b) of that Act, they have shared a draft of the Regulations with the Police Negotiating Board for Scotland and have considered any representations made.

In accordance with section 54(2) of that Act, they have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) and have considered any representations made.

Citation and commencement

1. These Regulations may be cited as the Police Service of Scotland (Amendment) Regulations 2024 and come into force on 4 October 2024.

Amendment of the Police Service of Scotland Regulations 2013

2. The Police Service of Scotland Regulations 2013(c) are amended in accordance with regulations 3 to 9.

Amendment of regulation 3 (Part-time appointments)

3. In regulation 3—

- (a) in paragraph (1) omit “, after consultation with local representatives of the representative bodies,”,
- (b) omit paragraphs (2) and (7).

(a) 2012 asp 8, to which there are amendments not relevant to these Regulations. Sections 49 to 53 specify particular matters that regulations under section 48 may include. Section 50(3) provides that regulations made under section 48 may make retrospective provision about pay or allowances. Section 55 provides that regulations made under section 48 may make provision for the delegation of functions.

(b) Relevantly amended by section 113(2) of the Criminal Justice (Scotland) Act 2016 (asp 1) (“the 2016 Act”).

(c) S.S.I. 2013/35.

Amendment of regulation 11 (Personal records)

4. In regulation 11(2)(i), after “changes of pay” insert—
“, periods of part-time service including the start and end date of any such period and the determined hours specified under the constable’s part-time appointment”.

Amendment of regulation 17 (Overtime)

5. In regulation 17—
- (a) for paragraph (1)(c) substitute—
“(c) which forms part of a tour of duty which that constable is required to begin earlier or later than the rostered time without due notice,”
- (b) in paragraph (2)—
- (i) for the definition of “*due notice*” substitute—
““*due notice*” means notice given at least 24 hours before the revised or the original starting time, whichever is the earlier, unless the requirement to work is due to unforeseen court attendance in which case it means notice given at least 12 hours before the revised or the original starting time, whichever is the earlier;”,
- (ii) omit the definition of “*normal daily period of duty*”.

Amendment of regulation 18 (Public holidays and rest days)

6. In regulation 18(a)—
- (a) in paragraph (3)(a) after “New Year’s Day” insert “or such other days that a constable has nominated in accordance with paragraph (4)”,
- (b) after paragraph (3) insert—
“(4) With the agreement of the chief constable, a constable may nominate a day in place of either or both of Christmas Day or New Year’s Day for religious or cultural reasons.”.

Amendment of regulation 25 (Leave)

7. In regulation 25—
- (a) after paragraph (6) insert—
“(6A) The Scottish Ministers must determine the circumstances in which a constable is entitled to be permitted leave from duty to enable the constable to accompany another person to an appointment for the purpose of that person receiving antenatal care.”,
- (b) in paragraph (11) after “(6)” insert “, (6A)”.

Amendment of regulation 31 (Reckoning of service)

- 8.—(1) In regulation 31(1)—
- (a) omit “and” following sub-paragraph (b),
- (b) after sub-paragraph (b) insert—
“(ba) performance of the duties of a higher rank, in respect of which a temporary salary is payable under regulation 19, is to be treated as if it had been service in that higher rank; and”.
- (2) In regulation 31(2) omit sub-paragraph (d).
- (3) The amendments in this regulation apply to the performance of duties on or after 1 January 2023.

(a) Regulation 18(3) is amended by regulation 2 of S.S.I. 2014/1.

Amendment of regulation 34 (Determinations)

9. In regulation 34(1)—

- (a) for “61(1) of the Police Act 1996(a)” substitute “55B(4) of the Police and Fire Reform (Scotland) Act 2012(b)”,
- (b) after “Board” in the first place where it appears insert “for Scotland”,
- (c) omit from “; and section 62(2)” to the end.

ANGELA CONSTANCE

A member of the Scottish Government

St Andrew’s House,
Edinburgh
18th June 2024

(a) 1996 c. 16. Sections 61 and 62 were repealed by section 131(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Section 131 was brought into force for Scotland by S.I. 2023/829 on 17 August 2023.

(b) 2012 asp 8. Section 55B was inserted by section 113(1) of the 2016 Act. The relevant part of section 113(1) was brought into force by S.S.I. 2023/139 on 17 August 2023.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Service of Scotland Regulations 2013 (“the 2013 Regulations”).

Regulation 3 is amended to remove the requirement for the chief constable to consult with local representatives of the representative bodies. This is no longer required and constables now agree their part-time service with the chief constable.

Regulation 3 is also amended to remove the reference to job sharing as a distinct form of part-time service. Job sharing is part-time service but the Police Negotiating Board (“PNB”) agreed that no distinction is required in the 2013 Regulations.

The omission of regulation 3(7) will mean that regulation 17 (overtime) will no longer be modified in its application to part-time constables, meaning that the overtime regulation will apply to part-time constables in the same way as it applies to full-time constables.

Regulation 11 is amended to ensure that a constable’s personal record includes the details of all part-time service by a constable.

Regulation 17 is amended, following agreement by the PNB, to provide that (where there is an exigency of duty) a constable’s start time can be advanced or deferred, without compensation, if they are given due notice, but that the “due notice” period would be increased from 8 hours to 24 hours. The exception is for unforeseen court attendance where the “due notice” is 12 hours.

Any advancement or deferment of a constable’s start-time where due notice has not been given will be categorised as “overtime” and the constable will be entitled to be compensated in accordance with the relevant determination made by the Scottish Ministers.

The PNB agreed that constables should be able to nominate another day in place of Christmas Day or New Year’s Day (or two other days in place of both) for religious or cultural reasons. The amendment to regulation 18 gives effect to that agreement.

Regulation 25 is amended to require the Scottish Ministers to determine the circumstances in which a constable can get leave to accompany another person to an antenatal appointment.

The amendment to regulation 31 makes clear that where a constable has received a Temporary Salary for service at a higher rank, that service will be taken into account for the purpose of determining salary and salary increments. The PNB agreed that this will have effect from 1 January 2023.

The PNB has now been replaced by the Police Negotiating Board for Scotland and the amendment to regulation 34 reflects this.

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£5.78

<http://www.legislation.gov.uk/id/ssi/2024/179>

ISBN 978-0-11-106043-8



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