

1970 No. 1463 (S. 117)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1970

Made - - - - - 29th September 1970
Laid before Parliament 13th October 1970
Coming into Operation 14th October 1970

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967(a) and of all other powers enabling me in that behalf, and after consulting the Police Council for the United Kingdom in accordance with section 4(4) of the Police Act 1969(b), I hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. These regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1970.
2. These regulations shall come into operation on 14th October 1970 but, for the purposes of authorising any increase in pay or allowances, they shall have effect as from 1st September 1969 except that
 - (a) for the purposes of regulation 5 thereof, they shall have effect as from 17th May 1968;
 - (b) for the purposes of regulation 6 thereof, they shall have effect as from 12th November 1965; and
 - (c) for the purposes of regulation 12 thereof, they shall have effect as from 1st April 1970.
3. In these regulations any references to the principal regulations is a reference to the Police (Scotland) Regulations 1968(c), as amended (d).
4. The Interpretation Act 1889(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

RECKONING OF SERVICE IN BRITISH SOUTH AFRICA POLICE

5.—(1) For paragraph (1) of regulation 31 of the principal regulations (which provides for the reckoning by constables of certain overseas police service) there shall be substituted the following provision:—

“(1) A constable of the rank of constable shall be entitled to reckon for the purposes of the scale of pay for that rank the following periods of service, that is to say, any period of—

- (a) service in the Palestine Police Force;
- (b) certified overseas police service such as is mentioned in paragraph (2);
- (c) certified service in the British South Africa Police such as is mentioned in paragraph (3);

(a) 1967 c. 77. (b) 1969 c. 63. (c) S.I. 1968/716 (1968 II, p. 2024).
 (d) S.I. 1970/425 (1970 I, p. 1462). (e) 1889 c. 63.

notwithstanding that such service is not service in the rank of constable in a police force in Great Britain.”

(2) At the end of the said regulation 31 there shall be added the following paragraph:—

“(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, on or after that date, as the person concerned ceased to perform duties therein, subject to it having been certified by or on behalf of the Secretary of State that in his opinion the person concerned so ceased to perform duties in circumstances which rendered him eligible for assistance as a loyal Rhodesian public servant under the scheme announced in the House of Commons on 22nd December 1965.”

6. Where for any period beginning after 11th November 1965 and ending before the revocation of the Police (Scotland) Regulations 1956(a), as amended (b), by the principal regulations, that is to say, before 17th May 1968, the pay of a constable holding the rank of constable was less than it would have been if—

(a) the amendments made by the preceding regulation to regulation 31 of the principal regulations had been made to regulation 33 of the said regulations of 1956 (as amended), and

(b) any certificate given by or on behalf of the Secretary of State for the purposes of the said regulation 31, as so amended, had been given for the purposes of the said regulation 33 (as amended),

then, the constable in question shall be entitled to the difference by way of an increase in pay for that period.

PART III

PERSONS NOMINATED FOR UNIVERSITY COURSES

7. At the end of Part III of the principal regulations (which relates to duty, overtime and leave) there shall be added the following regulation:—

“*University scholars*

27A. This part of these regulations shall have effect in relation to a university scholar within the meaning of Schedule 11 subject to the provisions of paragraph 2 thereof.”

8. At the end of regulation 28 of the principal regulations (which relates to pay) there shall be added the following paragraph:—

“(5) Paragraph (1) and Schedule 3 shall have effect in relation to a university scholar within the meaning of Schedule 11 subject to the provisions of paragraph 3 thereof.”

9. At the end of Part V of the principal regulations (which relates to allowances and other emoluments) there shall be added the following regulation:—

“*University scholars*

59A. This part of these regulations shall have effect in relation to a university scholar within the meaning of Schedule 11 subject to the provisions of paragraph 4 thereof.”

(a) S.I. 1956/1999 (1956 II, p. 1766).

(b) S.I. 1965/1227 (1965 II, p. 3460).

10. After Schedule 10 to the principal regulations (which specifies regulations revoked) there shall be added the following Schedule:—

“ SCHEDULE 11

UNIVERSITY SCHOLARS

1. In this Schedule a reference to a university scholar is a reference to a constable of a police force nominated for a course of university study by the police authority maintaining the force of which he is a constable in pursuance of arrangements in that behalf approved by the Secretary of State and, in relation to such a constable, the expression “ course ” means the course for which he has been nominated and which he has undertaken and “ study ” means study for the purposes of that course.

2. Regulations 21, 22 and 23 shall not apply to a university scholar for the duration of his course except for such period or periods, if any, as he is engaged otherwise than in study.

3.—(1) This paragraph shall apply to a university scholar who has undertaken a course of study given wholly or mainly at an institution within the City of London or the metropolitan police district.

(2) Where such a university scholar takes up residence within the City of London or the metropolitan police district and the taking up of such residence is, in the opinion of the police authority, due to his having undertaken his course, then, for the duration of the course (whether or not he is so resident throughout that period), he shall be entitled to supplementary pay at the rate of £50 a year and his rate of pay, determined in accordance with regulation 28(1) and Schedule 3, shall be increased accordingly.

4.—(1) Where a university scholar moves his home and the removal is in the opinion of the police authority due to his having undertaken his course, then, notwithstanding the provisions of regulation 37, the rent allowance to be paid to him shall be that which would be payable to him under that regulation if he was a constable of the force of the police area in which his home is for the time being situate.

(2) Where a university scholar does not move his home, then, regulation 38 shall have effect in relation to him for the duration of his course—

(a) as if for paragraph (1)(a)(iii) there were substituted the following provision:—

“ (iii) satisfies the police authority that the only reason why he is not so living is that he could not, without detriment to his studies, return daily to the family home,” ;

(b) as if for paragraph (1)(b) there were substituted the following provision:—

“ (b) A constable, other than such a constable as is mentioned in sub-paragraph (a), who satisfies the police authority that the only reason why he is not living in his former accommodation is that he could not, without detriment to his studies, return daily thereto,” ;

(c) as if for paragraph (2)(a) and (b) there were substituted the following provision:—

“ if he were living with his family or, as the case may be, in his former accommodation.” ;

(d) where he is a widower with a child or children or a married man and, if he were a constable of the force of the police area in which he is for the time being living and entitled to a flat-rate rent allowance under regulation 37, that allowance would be payable at a higher rate than 50s. 0d. a week, as if for the reference in paragraph (3)(b) to the rate of 50s. 0d. a week there were substituted a reference to that higher rate.

(3) Where a university scholar moves his home and the removal is, in the opinion of the police authority, due to his having undertaken or completed his course of study and is, in their opinion, reasonable in all the circumstances of his case, regulation 42 shall have effect in his case as if the removal were such as is mentioned in paragraph (1) thereof."

PART IV

OTHER PROVISIONS

11. At the end of regulation 23(2) of the principal regulations (which relates to public holidays and rest days for lower ranks) there shall be added the following:—

"Provided that on any occasion or occasions of emergency the Secretary of State may direct that this paragraph shall apply only to such extent and under such conditions as he may determine".

12. For regulation 45(4) of the principal regulations (which relates to plain clothes allowance) there shall be substituted the following provision:—

"(4) A plain clothes allowance payable under paragraph (3) shall be payable at the rate of—

(a) 5½d. an hour, in the case of an inspector ;

(b) 4½d. an hour, in the case of a sergeant or a constable of the rank of constable".

Gordon Campbell,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
29th September 1970.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations (with the exception of Regulation 6) amend the Police (Scotland) Regulations 1968.

Regulation 2 is made in exercise of the power conferred by section 26(3) of the Police (Scotland) Act 1967.

Part II of the present Regulations provides that a constable of the rank of constable shall be entitled to reckon for the purposes of his scale of pay previous service in the British South Africa Police (the Southern Rhodesian police force) where he was serving in that force on 11th November 1965 (the date of the illegal declaration of independence) and ceased to do duty therein in circumstances which, in the opinion of the Secretary of State, rendered him eligible for assistance as a loyal Rhodesian public servant. The provision made by the two Regulations contained in Part II, taken together, has effect from 12th November 1965.

Part III of the present Regulations relates to a constable nominated for a university course by his police authority in pursuance of arrangements approved by the Secretary of State. Regulation 9 inserts a new Schedule 11 in the Regulations of 1968; it modifies those Regulations in their application to such a constable. Paragraph 2 of the new Schedule states expressly that the provisions of the 1968 Regulations relating to the normal daily period of duty, overtime and public holidays and rest days shall not apply to a constable engaged in university study. Paragraph 3 provides that a constable who resides in the City of London or the metropolitan police district for the purpose of study at an institution therein shall be entitled to supplementary pay at the rate of £50 per annum. Paragraph 4 modifies the provisions of the 1968 Regulations relating to rent allowance, supplementary rent allowances and removal allowances.

Part IV of the present Regulations relates to public holidays and rest days for lower ranks and plain clothes allowance. Regulation 11 re-introduces the proviso which was deleted from the 1968 Regulations by the Police (Scotland) Amendment Regulations 1970. Regulation 12, which has effect from 1st April 1970, increases the hourly rates of plain clothes allowance of constables in the ranks of inspector and constable.

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