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STATUTORY INSTRUMENTS

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**1989 No. 2222 (S.145)**

**POLICE**

**The Police (Scotland) Amendment Regulations 1989**

<i>Made</i>	- - - -	<i>29th November 1989</i>
<i>Laid before Parliament</i>		<i>1st December 1989</i>
		<i>22nd December</i>
<i>Coming into force</i>	- -	<i>1989</i>

The Secretary of State, in exercise of the powers conferred upon him by section 26 of the Police (Scotland) Act 1967(1) and of all other powers enabling him in that behalf, after taking into consideration any representations made by the Police Advisory Board for Scotland following the submission of a draft of the Regulations in accordance with section 26(9) of the said Act of 1967, and after taking into consideration any recommendations made by the Police Negotiating Board for the United Kingdom and furnishing the said Police Negotiating Board for the United Kingdom with a draft of the Regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(2), hereby makes the following Regulations:

**Citation**

1. These Regulations may be cited as the Police (Scotland) Amendment Regulations 1989.

**Commencement**

2. These Regulations shall come into force on 22nd December 1989 and shall have effect for the purposes of regulation 6 as from 1st April 1989; for the purposes of regulation 8(b) and (c) as from 1st July 1989; and for the purposes of regulations 7, 8(a), (d) and (e) and regulation 9 as from 1st September 1989.

**Interpretation**

3. In these Regulations any reference to “the principal Regulations” is a reference to the Police (Scotland) Regulations 1976(3).

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(1) 1967 c. 77; section 26(9) was amended by section 2(4) of the Police Negotiating Board Act 1980 (c. 10); section 26(1A) and (10) were inserted by section 111 of the Police and Criminal Evidence Act 1984 (c. 60)

(2) 1980 c. 10

(3) S.I. 1976/1073; relevant amending instruments are S.I. 1979/767, 1982/1113 and 1988/2287

### Sick leave

4. In regulation 27 of the principal Regulations (sick leave), there shall be substituted for proviso (b) to paragraph (1) the following proviso:—

“(b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner appointed or approved by the police authority has examined the constable and considers him to be fit for duty, the police authority shall, if the medical practitioner who issued the certificate of unfitness for duty agrees, within 28 days of the difference of opinion coming to their attention arrange for a third registered medical practitioner, acceptable to the practitioner who issued the certificate of unfitness for duty and to the practitioner who has examined the constable on behalf of the police authority, to examine the constable and to report in writing to the other two practitioners concerned; and if the third registered medical practitioner certifies the constable to be fit for duty, or if the medical practitioner who issued the certificate of unfitness for duty does not agree to such further examination, the constable shall no longer be entitled to be absent from duty.”.

### Restriction on payment of allowances

5. In regulation 40 of the principal Regulations (restriction on payment of allowances), there shall be inserted at the beginning of paragraph (2) the words “Subject to paragraph (3),” and there shall be inserted after paragraph (2) the following paragraph:—

“(3) A constable of the rank of superintendent or above who is required to travel by train in the execution of his duty shall be entitled to travel in first-class accommodation and to be reimbursed his expenses accordingly.”.

### Rent allowance

6. In regulation 42 of the principal Regulations (rent allowance) there shall be inserted the following paragraphs:—

“(4A) This paragraph shall apply to a constable to whom there was payable on 31st March 1989 a maximum limit allowance which has been reduced with effect from 1st April 1989 solely by reason of the coming into force of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(4).

(4B) A constable to whom paragraph (4A) applies shall be entitled for the relevant period to be paid a maximum limit allowance equal to that payable to him on 31st March 1989.

(4C) In relation to a constable to whom paragraph (4A) applies the relevant period mentioned in paragraph (4B) shall—

- (a) begin on 1st April 1989; and
- (b) end on the day prior to the date on which the maximum limit allowance payable to him falls to be discontinued, reduced or increased in terms of—
  - (i) this regulation; or
  - (ii) any agreement in force on 31st March 1989 approved by the Secretary of State,

whichever is the sooner,

and “relevant period” shall be construed accordingly.”.

### **Detective duty and detective expenses allowances**

7. In regulation 51 of the principal Regulations (detective duty and detective expenses allowances)—

(a) there shall be inserted after paragraph (2) the following paragraph:—

“(2A) Such a constable of the rank of superintendent shall be paid in addition a detective expenses allowance at the rate of £5 a week; and shall not be eligible for the reimbursement of expenses incurred in the execution of his duty in respect of any individual item of expenditure of £1.25p or less.”; and

(b) in paragraph (3) for “£1 a week” there shall be substituted “£3 a week; and shall not be eligible for the reimbursement of expenses incurred in the execution of his duty in respect of any individual item of expenditure of 75 pence or less.”.

### **Scales of pay**

8. In Schedule 3 to the principal Regulations (scales of pay)—

(a) for Tables A and B there shall be substituted respectively Tables A and B set out in the Schedule to these Regulations;

(b) there shall be substituted after paragraph 1(5) the following:—

“(5A) Where a constable is promoted—

(a) to the rank of chief inspector after 3 years' but less than 4 years' service in the rank of inspector, or

(b) to the rank of inspector after 3 years' but less than 4 years' service in the rank of sergeant, or

(c) to the rank of sergeant after 11 years' but less than 12 years' service in the rank of constable,

and at any date during his first year of service in that new rank his annual pay ceases to exceed the amount which would have been his annual pay if he had continued to serve in his former rank, his annual pay for the period from that date until such date as he has completed two years' reckonable service in his new rank shall be determined as if he had throughout that period more than one but less than two years' reckonable service in the new rank.”;

(c) in paragraph 1(6) for “and (5)” there shall be substituted “,(5) and (5A)”;

(d) in paragraph 2(2) the words “on or before 31st August 1988” shall be omitted; and

(e) sub-paragraphs (2A) and (2B) of paragraph 2 shall be omitted.

### **Dog handler's allowance**

9. In paragraph 1(1) of Schedule 10 to the principal Regulations (dog handler's allowance) for the sums “£663” and “£903” there shall be substituted the sums “£723” and “£987” respectively.

### **Revocations**

10. The Regulations specified in column 1 of Schedule 2 to these Regulations are revoked to the extent specified in column 3 of that Schedule.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
29th November 1989

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

## SCHEDULE 1

Regulation 8

TABLE A

Rank	Before completing 1 year of service in the rank £ a year	After 1 year of service in the rank £ a year	After 2 years of service in the rank £ a year	After 3 years of service in the rank £ a year	After 4 years of service in the rank £ a year
Chief	20,583	21,159	21,735	22,314	22,896
Inspector	18,129	18,696	19,428	20,004	20,583
Sergeant	15,804	16,521	17,103	17,670	18,129

TABLE B

Reckonable service	Annual pay £
Before completing 1 year of service	9,900
After 1 year of service	10,587
After 2 years of service	12,462
After 3 years of service	12,756
After 4 years of service	13,179
After 5 years of service	13,632
After 6 years of service	14,067
After 7 years of service	14,502
After 8 years of service	14,931
After 12 years of service	15,804
After 15 years of service	16,521

## SCHEDULE 2

Regulation 10

## REVOCATIONS

Regulations revoked	References	Extent of revocation
The Police (Scotland) Amendment (No.2) Regulations 1988	<a href="#">S.I.1988/2287</a>	Regulations 5 and 6 and Schedule 1.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Police (Scotland) Regulations 1976. Regulation 4 provides a procedure for the resolution of a difference of medical opinion as to an officer's fitness to return to duty after a period of sick leave. Regulation 5 provides for officers of the rank of superintendent and above to be reimbursed the cost of first-class rail travel on duty. Regulation 6 has the effect of restoring to an officer, who was in receipt on 31st March 1989 of a rent allowance which was reduced as a result of the abolition of domestic rates and whose circumstances have not changed, the level of allowance (including the rates element) payable to him on that date. Regulation 7 increases the rates of detective expenses allowances. Regulation 8 provides for increases in the rates of pay of police constables, sergeants, inspectors and chief inspectors and corrects a minor anomaly to ensure that officers who are promoted gain financially thereby. Regulation 9 provides for increases in the rates of the dog handler's allowance.

Regulation 6 has effect as from 1st April 1989, regulations 8(b) and (c) as from 1st July 1989 and regulations 7, 8(a), (d) and (e) and 9 as from 1st September 1989 (retrospection being authorised by section 26(3) of the Police (Scotland) Act 1967).