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STATUTORY INSTRUMENTS

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## 1993 No. 3081

### The Police (Scotland) Amendment Regulations 1993

#### Citation

1. These Regulations may be cited as the Police (Scotland) Amendment Regulations 1993.

#### Commencement

2. These Regulations shall come into force on 1st January 1994, and shall have effect—
  - (a) for the purposes of regulations 4, 5 and 6 as from 1st January 1994;
  - (b) for the purposes of regulation 7 as from 1st April 1990;
  - (c) for the purposes of regulation 8 as from 1st April 1989;
  - (d) for the purposes of regulation 9 as from 1st April 1993, subject to the transitional provisions in regulation 12 of these Regulations;
  - (e) for the purposes of regulation 11 as from 1st January 1993.

#### Interpretation

3. In these Regulations any reference to “the principal Regulations” is a reference to the Police (Scotland) Regulations 1976(1).

#### Meanings assigned to certain expressions

4. Regulation 1(2)(g) of the principal Regulations shall be amended by inserting after the definition of “inspector”—

““joint branch board” means the joint branch board mentioned in regulation 7(3) of the Police Federation (Scotland) Regulations 1985(2);”.

#### Variable shift arrangements

5. There shall be inserted after regulation 21A(3) of the principal Regulations the following regulation:—

##### “Variable shift arrangements

##### 21B. —

- (1) This regulation applies to every constable below the rank of superintendent.
- (2) A chief constable may, if he has obtained the consent of the Secretary of State to his doing so, bring into operation variable shift arrangements agreed by him with the joint

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(1) S.I.1976/1073; the relevant amending instruments are S.I. 1982/1628, 1985/1325, 1986/576, 1987/423, 1990/469, 1990/1312, 1992/1432 and 1992/3170.

(2) S.I. 1985/1531.

(3) Regulation 21A was inserted by S.I. 1985/1325.

branch board for all constables to whom this regulation applies or for any particular class of such constables.

(3) Variable shift arrangements must provide, as respects constables for whom they are in operation—

- (a) for hours of duty equivalent to those resulting from the application to other constables of regulations 21(2) and 23(2), and
- (b) for annual leave equivalent to that resulting from the application to other constables of regulation 26(1) and Schedule 2.

(4) In relation to constables for whom variable shift arrangements are in operation these Regulations have effect with the modifications set out in Schedule 1A.”.

### **Modifications for variable shift arrangements**

6. After Schedule 1 to the principal Regulations there shall be inserted Schedule 1A set out in the Schedule to these Regulations.

### **Transitional rent allowance**

7.—(1) In regulation 42B(5) of the principal Regulations (transitional rent allowance)(4) for the words “half the annual rate of rent allowance payable to him” there shall be substituted the words “flat-rate rent allowance payable to constables of his force of the rank he held”.

(2) After regulation 42B(5) of the principal Regulations there shall be inserted the following paragraphs:—

“(5A) Where a constable in receipt of a transitional rent allowance—

- (a) was entitled on 31st March 1990 to a flat-rate rent allowance, and
- (b) is married to (but not separated from) a woman constable who on or after 1st April 1990 begins a period of unpaid maternity leave,

his transitional rent allowance shall, during his wife’s period of unpaid maternity leave, be payable at an annual rate equivalent to the maximum limit rent allowance which would have been payable to him on 31st March 1990 in respect of the accommodation in which he was living on 31st March 1990 if his wife had then been on unpaid maternity leave.

(5B) Where a constable in receipt of a transitional rent allowance—

- (a) was entitled on 31st March 1990 to a flat-rate rent allowance, and
- (b) was then and remains married to (but not separated from) a constable of a police force who is also in receipt of a transitional rent allowance and who on or after 1st April 1990 resigns (otherwise than upon immediate transfer to another force), retires or is discharged by reason of his services being dispensed with under regulation 12 (whether or not, in the case of a woman constable, the resignation, retirement or discharge immediately follows a period of unpaid maternity leave),

his transitional rent allowance shall, after the date on which that resignation, retirement or discharge takes effect, be payable at an annual rate equivalent to the maximum limit rent allowance which would have been payable to him on 31st March 1990 in respect of the accommodation in which he was living on 31st March 1990 if the person to whom he is married had not then been a constable of a police force.”.

(3) In regulation 42B(8A) (c) of the principal Regulations (transitional rent allowance) for the words “paragraph (8)” there shall be substituted the words “paragraph (5A), (5B) or (8)”.

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(4) Regulation 42B was inserted by S.I. 1990/469, and paragraph (8A) was inserted into that regulation by S.I. 1990/1312.

(4) For sub-paragraph (e) of regulation 42C(3) of the principal Regulations (transitional rent allowance)(5) there shall be substituted the following sub-paragraph:–

“(e) in paragraph (5), for the word “was” there were substituted the words “would (if he had then been a constable of his police force) have been”, and for the words which follow “be equal to” there were substituted the words “the flat-rate rent allowance” payable on 31st March 1990 to constables of his force of the rank in which he was serving immediately before the commencement of his period of central service or overseas service.”.

### **Provided accommodation allowance**

8. In regulation 45A of the principal Regulations (provided accommodation allowance)(6) for paragraph (1) there shall be substituted the following paragraph:–

“(1) This paragraph applies to–

- (a) a constable who was on 31st March 1989 occupying a house or quarters with which he was provided by his police authority free of rent and rates and who on or after 1st April 1989 continued to occupy such accommodation free of rent;
- (b) a constable who having been in receipt of rent allowance on 31st March 1989 took up on or after 1st April 1989 and before 1st April 1990 occupation of a house or quarters with which he was provided by his police authority free of rent and rates and who was occupying such accommodation on 31st March 1990 (but applies only from the date on which he took up that occupation); and
- (c) a woman constable who on 31st March 1989 was on unpaid maternity leave under regulation 28 and had ceased to occupy a house or quarters provided by her police authority free of rent and rates by reason only of her being on that leave and who on her subsequent return to duty again occupied a house or quarters so provided (but applies only from the date of that return to duty);

and again applies (from the date of her return to duty) to a woman constable to whom sub-paragraph (a), (b) or (c) has applied, who has ceased to be provided with a house or quarters free of rent by reason only of her being on unpaid maternity leave under regulation 28 and who on her subsequent return to duty is again so provided.”.

### **Removal allowance**

9. In regulation 47(6) of the principal Regulations (removal allowance)(7) for the sum “£1,257” there shall be substituted the sum “£1,290”.

### **Restrictions on the private lives of constables**

10. In paragraph 2 of Schedule 1 to the principal Regulations (restrictions on the private life of constables) there shall be inserted at the end the words–

“and such approval may be given–

- (a) in relation to any specified case or cases; or
- (b) generally in relation to all cases or in relation to all cases subject to specified exceptions.”.

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(5) Regulation 42C was inserted by S.I. 1990/469.

(6) Regulation 45A was inserted by S.I. 1990/469.

(7) The sum specified in regulation 47(6) was substituted by S.I. 1992/3170.

### **Annual leave**

**11.**—(1) Subject to paragraph (2) below, paragraph 1A of Schedule 2 to the principal Regulations (annual leave)<sup>(8)</sup> shall be amended as follows:—

- (a) for the words “31st December 1986” where they twice occur there shall be substituted the words “31st December 1993”; and
- (b) in the second column of the Table for the figures “20”, “22”, “25”, “26” and “28” there shall be substituted the figures “21”, “23”, “26”, “27” and “29” respectively.

(2) For the purpose of the first leave year (within the meaning of “leave year” given in paragraph 4(1) of Schedule 2 to the principal Regulations) beginning after 31st December 1992, paragraph 1A of that Schedule shall have effect as if for the figures “20”, “22”, “25”, “26” and “28” in the second column of the Table there were substituted the figures “22”, “24”, “27”, “28” and “30” respectively.

### **Transitional and saving provision**

**12.** Notwithstanding the provisions of regulation 9 of these Regulations, regulation 47 of the principal Regulations shall continue to apply as it had effect immediately before the coming into force of these Regulations in relation to any move which took place before 1st April 1993.

### **Revocation**

**13.** Regulation 7 of the Police (Scotland) Amendment Regulations 1992<sup>(9)</sup> is hereby revoked.

St. Andrew’s House,  
Edinburgh  
9th December 1993

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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<sup>(8)</sup> Paragraph 1A of Schedule 2 was inserted by S.I. 1987/423.

<sup>(9)</sup> S.I. 1992/3170.