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STATUTORY INSTRUMENTS

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**1995 No. 2131 (S.153)**

**POLICE**

**The Police (Scotland) Amendment (No.3) Regulations 1995**

*Made* - - - - *11th August 1995*  
*Laid before Parliament* *17th August 1995*  
*Coming into force* - - *7th September 1995*

The Secretary of State, in exercise of the powers conferred on 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 the recommendations made by the Police Negotiating Board for the United Kingdom having furnished the said Board 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, commencement and interpretation**

1.—(1) These Regulations may be cited as the Police (Scotland) Amendment (No.3) Regulations 1995.

(2) These Regulations shall come into force on 7th September 1995 but—

- (a) regulation 6 below shall have effect from 1st July 1994;
- (b) subject to paragraph (3) below, regulation 5 below shall have effect from 1st September 1994; and
- (c) regulation 4 below shall have effect from 1st April 1995.

(3) No person shall be paid at the rate applicable to a person appointed under regulation 8A of the Police (Scotland) Regulations 1976(3) in respect of any period prior to his appointment under that regulation.

(4) In these Regulations “the principal Regulations” means the Police (Scotland) Regulations 1976(4).

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(1) 1967 c. 77; section 26(9) was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(4); section 26(1A) and (10) were inserted by the Police and Criminal Evidence Act 1984 (c. 60) (“the 1984 Act”), section 111 and section 26(7) was amended by the 1984 Act, Schedule 6, paragraph 32; section 26(1) was amended by the Police and Magistrates' Courts Act 1994 (c. 29) (“the 1994 Act”), section 53(1); section 26(2) was amended by the 1994 Act, section 53(2) and Schedule 9; section 26(2A) to (2C) were inserted by the 1994 Act, section 53(3); section 26(5A) was inserted by the 1994 Act, section 53(1); section 26(7) was repealed by the 1994 Act, section 52(4) and Schedule 9.

(2) 1980 c. 10.

(3) Regulation 8A was inserted by S.I. 1995/596.

(4) S.I. 1976/1073; relevant amending instruments are S.I. 1992/1432, 1993/3081, 1994/2095, 1994/2231, 1995/137 and 1995/596.

### **Amendment of regulation 21B of the principal Regulations**

2. In regulation 21B(2) of the principal Regulations(5) (variable shift arrangements), the words “, if he has obtained the consent of the Secretary of State to his doing so,” are omitted.

### **Amendment of regulation 23A of the principal Regulations**

3. In regulation 23A of the principal Regulations(6) (public holidays and rest days for inspectors) there is inserted after paragraph (2) the following paragraph:—

“(3) Where the exigencies of duty have precluded—

- (a) the allowance of a day’s leave on a public holiday; or
- (b) the grant in any week of two rest days,

to such a constable, he shall, during the next following twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day’s leave in lieu of any such day not allowed or granted.”.

### **Amendment of regulation 47 of the principal Regulations**

4. In regulation 47(6) of the principal Regulations(7) (removal allowance) for the sum “£1,315” there is substituted “£1,353”.

### **Amendment of Schedule 3 to the principal Regulations**

5.—(1) Schedule 3 to the principal Regulations (determination of pay)(8) is amended in accordance with paragraphs (2) and (3) below.

(2) In paragraph 1, for the words “paragraph 10” there are substituted the words “paragraphs 10 and 11”.

(3) After paragraph 10 there is inserted—

“11.—(1) This paragraph applies for the determination of the annual pay of any person who holds the rank of chief constable or assistant chief constable in a police force maintained under section 1 of the Police (Scotland) Act 1967(9).

(2) The annual pay of a chief constable shall be an amount, determined by the police authority in accordance with sub-paragraph (10), which shall be within the range specified in the relevant entry (determined in accordance with paragraph 12(2)) in the following table, but shall not be less than the minimum amount:—

Table

1 Population of police area	2 Officer appointed under regulation 8A	3 Officer not appointed under regulation 8A
Up to 500,000	£60,903 to £69,654	£58,002 to £66,336
500,001 to 1,000,000	£64,020 to £75,285	£60,972 to £71,700
1,000,001 to 2,000,000	£69,654 to £80,916	£66,336 to £77,064

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(5) Regulation 21B was inserted by [S.I. 1993/3081](#).

(6) Regulation 23A was inserted by [S.I. 1994/2231](#).

(7) Relevant amendment is [S.I. 1994/2095](#).

(8) Schedule 3 was substituted by [S.I. 1995/137](#).

(9) Section 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), section 146(2) and (3).

1 Population of police area	2 Officer appointed under regulation 8A	3 Officer not appointed under regulation 8A
Over 2,000,000	£77,079 to £86,988	£73,494 to £82,944.

(3) Subject to sub-paragraph (4), the annual pay of an assistant chief constable in a police force maintained under section 1 of the Police (Scotland) Act 1967 shall be an amount, determined by the police authority in accordance with sub-paragraphs (5) and (11), which amount—

- (a) in the case of such a person who has been appointed under regulation 8A shall be within the range of £51,756 to £59,409, but shall not be less than the minimum amount; and
  - (b) in the case of a person who has not been so appointed, shall be within the range of £49,290 to £56,580, but shall not be less than the minimum amount.
- (4) In the case of—
- (a) an assistant chief constable in respect of a period during which he remains designated under section 5(4) of the Police (Scotland) Act 1967(10), and
  - (b) an assistant chief constable who held the rank of deputy chief constable on 31st March 1995,

the annual pay shall be an amount, determined by the police authority in accordance with sub-paragraphs (5) and (11), which shall be within the range specified in the relevant entry (determined in accordance with paragraph 12(2)) in the following table, but shall not be less than the minimum amount:—

Table

1 Population of police area	2 Officer appointed under regulation 8A	3 Officer not appointed under regulation 8A
Up to 500,000	£51,756 to £59,409	£49,290 to £56,580
500,001 to 1,000,000	£51,756 to £60,228	£49,290 to £57,360
1,000,001 to 2,000,000	£55,723 to £64,733	£53,069 to £61,651
Over 2,000,000	£61,663 to £69,590	£58,795 to £66,355.

(5) A police authority shall consult the chief constable before making a determination under sub-paragraph (3) or (4).

(6) In relation to a person to whom sub-paragraph (2) or (3) applies, “minimum amount” means an amount which shall not be less than the amount that the annual pay of the person would have been in the rank in question if the Police (Scotland) Amendment (No.3) Regulations 1995 had not been made.

(7) In relation to a person to whom sub-paragraph (4) applies, “minimum amount” means an amount which shall not be less than either—

- (a) the amount that the annual pay of the person would have been in the rank in question if the Police (Scotland) Amendment (No.3) Regulations 1995 had not been made; or

(10) Section 5 was substituted by the Police and Magistrates' Courts Act 1994, section 48.

(b) subject to sub-paragraphs (8) and (9), four-fifths of the annual pay of the chief constable of the force in which that person serves, whichever is the greater.

(8) Where the person to whom sub-paragraph (4) applies has been appointed under regulation 8A, but his chief constable has not been so appointed, the annual pay of that chief constable shall be treated for the purposes of sub-paragraph (7) as though it was at the equivalent point of the pay scale that would be applicable if he had been appointed under regulation 8A.

(9) Where the person to whom sub-paragraph (4) applies has not been appointed under regulation 8A, but his chief constable has been so appointed, the annual pay of that chief constable shall be treated for the purposes of sub-paragraph (7) as though it was at the equivalent point of the pay scale that would be applicable if he had not been appointed under regulation 8A.

(10) In making a determination under sub-paragraph (2), a police authority shall have regard to—

- (a) whether the population of the police area is at the higher or lower end of the range in column 1 of the table set out in that sub-paragraph;
- (b) the pay of the head of the paid service of—
  - (i) until 31st March 1996, any regional, islands or district council; or
  - (ii) on and after 1st April 1996, any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(11)</sup>,
- (c) any social, economic or cultural characteristics that distinguish its police area from others; and
- (d) the extent to which the population of its police area live in urban surroundings;

and the police authority may have regard to any other consideration which it considers to be relevant, other than the performance of the officer in question.

(11) In making a determination under sub-paragraph (3) or (4), a police authority shall have regard to—

- (a) the pay of those constables of the police force immediately above and below the officer whose pay is being determined; and
- (b) his responsibilities;

and the police authority may have regard to any other consideration which it considers to be relevant, other than the performance of the officer in question.

**12.—**(1) This paragraph supplements paragraph 11.

(2) For the purposes of paragraph 11(2) and (4), the relevant entry is determined by—

- (a) selecting the description of the size of the population of the police area as set out in the first column of the table in paragraph 11(2) or, as the case may be, paragraph 11(4) which describes the population of the police area for the police force of which the person in question is a constable;
- (b) where the person has been appointed under regulation 8A, identifying the entry opposite that description in the second column of the table; and
- (c) where the person has not been so appointed, identifying the entry opposite that description in the third column of the table.

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(11) 1994 c. 39.

(3) The population of a police area for the purposes of the tables in paragraph 11(2) and (4) and the determination under sub-paragraph (2) shall be—

- (a) determined by the police authority, and
- (b) subject to sub-paragraph (6), revised by the police authority not later than 1st July in any year after the initial determination,

by adding the figure calculated in accordance with sub-paragraph (4) to the most recent estimates given by the Registrar General for Scotland as to the number of persons resident in that police area.

(4) Subject to sub-paragraph (5), the figure referred to in sub-paragraph (3) is one quarter of the number reached by adding—

- (a) the number of persons who, in the opinion of the police authority using such published data as appears to it to be appropriate, are not resident in the police area but—
  - (i) work in it; or
  - (ii) visit it for recreational purposes on any weekday in the summer picked at random; and
- (b) the number of additional persons expected to be resident in the police area where, in the opinion of the police authority, an increase in police services in anticipation of the increase in population has taken place or is being planned.

(5) Where the number produced by adding the number of persons referred to in paragraph (a) and (b) of sub-paragraph (4) is less than either—

- (a) 50,000, or
- (b) where the number representing 15% of the number of persons who, according to the most recent estimates given by the Registrar General of Scotland are resident in the police area is less than 50,000, the number representing that percentage,

the number so produced shall be disregarded.

(6) Where on any revision by a police authority under sub-paragraph (3)(b) the number produced is less than the number currently used for the purposes of determining the relevant entry of any person to whom paragraph 11(2) or (4) applies, the number so produced shall be disregarded for those purposes.”.

### **Amendment of Schedule 9 to the principal Regulations**

6. In paragraph 3(2) of Schedule 9 to the principal Regulations (university scholars)(**12**), for the sum “£1,344” there is substituted the sum “£1,398”.

### **Revocations**

7. Regulation 5(c) of the Police (Scotland) Amendment Regulations 1994(**13**) is hereby revoked.

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(12) The sum specified in paragraph 3(2) of Schedule 9 was substituted by [S.I. 1992/1432](#).

(13) [S.I. 1994/2095](#).

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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  
11th August 1995

*Raymond S Robertson*  
Parliamentary Under Secretary of State, Scottish  
Office

## EXPLANATORY NOTE

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

These Regulations amend the Police (Scotland) Regulations 1976 (“the principal Regulations”). Regulations 2 and 3 make minor amendments in relation to arrangements for shifts for constables below the rank of superintendent and in relation to holidays for inspectors. Regulations 4 and 6 of these Regulations (which, by virtue of regulation 1(2)(a) and (c), are retrospective) increase certain allowances. Regulation 5 makes provision for the pay of chief constables and assistant chief constables. This provision is also retrospective. Retrospection is authorised by section 26(3) of the Police (Scotland) Act 1967.