SCOTTISH STATUTORY INSTRUMENTS

2003 No. 220

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 2003

Made - - - -	*27th March 2003*
Laid before the Scottish Parliament - - - -	*28th March 2003*
Coming into force - -	*1st April 2003*

The Scottish Ministers, in exercise of the powers conferred by section 26 of the Police (Scotland) Act 1967(**1**) and of all other powers enabling them in that behalf, and after taking into consideration any recommendations made by the Police Negotiating Board for the United Kingdom and supplying the Board with a draft of the Regulations in accordance with section 62(1A) of the Police Act 1996(**2**), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 2003.

(2) These Regulations shall come into force on 1st April 2003.

(3) In these Regulations, "the principal Regulations" means the Police (Scotland) Regulations 1976(**3**).

Amendment of regulation 2A of the principal Regulations

2. In regulation 2A of the principal Regulations (part-time appointments)(**4**), paragraph (4) is omitted.

(**1**) 1967 c. 77; section 26(9) was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(4) and by the Police Act 1996 (c. 16) ("the 1996 Act"), Schedule 7, paragraph 14(3); section 26(1A) and (10) was inserted by the Police and Criminal Evidence Act 1984 (c. 60), section 111; 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, sections 47(5) and 52(2) and Schedule 9 and by the 1996 Act, Schedule 7, paragraph 14(2); section 26(2B) was inserted by the 1994 Act, section 52(3); section 26(7) was repealed by the 1994 Act, section 52(4) and Schedule 9. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1996 c. 16; section 62(1A) was inserted by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820).

(**3**) S.I. 1976/1073; relevant amending instruments are S.I. 1976/1433, 1980/1050, 1983/317, 1985/1325, 1988/1501, 1992/1432 and 3170, 1993/3681, 1994/2095, 1995/596, 2131 and 3001.

(**4**) Regulation 2A was inserted by S.I. 1995/3001.

Amendment of regulation 21A of the principal Regulations

3. In regulation 21A of the principal Regulations (rostering of duties for lower ranks)(**5**)–

(a) for paragraph (2) there is substituted–

"(2) Each such roster shall be published to the constables to whom it relates, after consultation with the joint branch board at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force."; and

(b) in paragraph (3), for "for the 12 months" there is substituted "for at least 3 months".

Amendment of regulation 22 of the principal Regulations

4. In regulation 22 of the principal Regulations (overtime)(**6**)–

(a) in paragraph (2), for "regulation 23, 60 or 63" there is substituted "regulation 23 or 60"; and

(b) at the end of paragraph (5), there is inserted ", except that on each of the first 4 occasions on which overtime in respect of which the constable was not informed as mentioned in paragraph (6) is worked during a week, 30 minutes of the overtime worked is to be disregarded.".

Amendment of regulation 23 of the principal Regulations

5. In regulation 23 of the principal Regulations (public holidays and rest days for lower ranks)(**7**), in paragraphs (3B) and (5)(b)(i), for "8" there is substituted "5".

Amendment of regulation 47 of the principal Regulations

6. In regulation 47 of the principal Regulations (removal allowance)(**8**)–

(a) for paragraph (3) there is substituted–

"(3) Where the cost of removal is reimbursed or the removal is carried out by the police authority under paragraph (1) or (2), the police authority shall reimburse–

(a) an item of expenditure incidental to the move and not otherwise specified in this regulation if the constable can satisfy the police authority of the necessity of the expenditure; and

(b) where the constable satisfies the police authority that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably incurred by him prior to the move (other than such payments as are referred to in paragraph (1)(d)), the whole or the proportionate part of that expenditure so far as it is not recoverable by him.";

(b) paragraphs (4) to (7) are omitted; and

(c) after paragraph (8)(b) there is inserted–

"(c) to qualify for reimbursement, an item of removal expenditure must be necessary, reasonable and backed by a receipt,".

(**5**) Regulation 21A was inserted by S.I. 1985/1325.
(**6**) Regulation 22 was substituted by S.I. 1985/1325.
(**7**) Regulation 23 was substituted by S.I. 1985/1325. and relevantly amended by S.I. 1994/2231.
(**8**) Regulation 47 was relevantly amended by S.I. 1976/1433, 1980/1050, 1983/317, 1992/1432 and 3170, 1993/3081, 1994/2095, 1995/596 and 2031.

Amendment of regulation 52 of the principal Regulations

7. In regulation 52 of the principal Regulations (refreshment, subsistence and lodging allowances)(**9**)–

(a) for paragraphs (1) to (3) there is substituted–

"**Food and accommodation expenses**

(1) A constable of or below the rank of superintendent who is necessarily prevented in the course of a tour of duty from obtaining a meal in his usual way shall be reimbursed the difference between the meal he obtains and the meal he usually takes in the course of that tour of duty, provided that the additional expenditure is reasonable and backed by a receipt.

(2) A constable of or below the rank of superintendent who is retained on duty beyond his normal daily period of duty shall be reimbursed the cost of any meal he necessarily obtains, provided that the expenditure is reasonable and backed by a receipt.

(3) A constable of or below the rank of superintendent shall be reimbursed accommodation expenses necessarily incurred in connection with duty away from his usual place of duty, or necessary because he has been retained on duty beyond his normal daily period of duty provided that the expenditure is reasonable and backed by a receipt."; and

(b) for paragraph (5) there is substituted–

"(5) A constable of or below the rank of superintendent shall, if he requests, be given an advance to cover, as far as practicable, probable expenses of duty away from his usual place of duty.".

Amendment of Schedule 1A to the principal Regulations

8. In Schedule 1A to the principal Regulations (modifications for variable shift arrangements)(**10**)–

(a) for paragraph 2(b) there is substituted–

"(b) in paragraph (3)(a), for "his scheduled daily periods of duty are" there is substituted "each of his shifts is"";

(b) for paragraph 8 there is substituted–

8. In regulation 52 (food and accommodation expenses) at the end of paragraph (5) there is inserted–

"(6) References in this regulation to "tour of duty" and "normal daily period of duty" are to be construed as references to a "rostered shift".."; and

(c) paragraph 9 is omitted.

Amendment of Schedule 1B to the principal Regulations

9. In Schedule 1B to the principal Regulations (modification for part-time service)(**11**)–

(a) in the modification of regulation 21 of the principal Regulations in paragraph 4, paragraph (4B) is omitted;

(**9**) Regulation 52 was substituted by S.I. 1988/1501.
(**10**) Schedule 1A was inserted by S.I. 1993/3081.
(**11**) Schedule 1B was inserted by S.I. 1995/3001.