



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 2

##### THE POLICE SERVICE OF SCOTLAND

###### *Constables: appointment, ranks and terms of office*

#### **15 Temporary service outwith the Police Service of Scotland**

- (1) The chief constable may make arrangements, or give consent, for constables to be engaged on temporary service outwith the Police Service.
- (2) A constable on temporary service outwith the Police Service—
  - (a) is to continue to hold the office of constable, and
  - (b) except where contrary provision is made by regulations under subsection (3) or by or under any other enactment, is to continue to—
    - (i) have all the functions conferred on a constable by virtue of this or any other enactment or by rule of law,
    - (ii) have the powers and privileges of a constable throughout Scotland, and
    - (iii) be under the direction and control of the chief constable in relation to the constable's performance of policing functions.
- (3) The Scottish Ministers may by regulations—
  - (a) prescribe types of temporary service in respect of which a constable—
    - (i) may not be engaged in pursuance of subsection (1),
    - (ii) may be so engaged only with the consent of the Authority or the Scottish Ministers (or both),

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*Status: This is the original version (as it was originally enacted).*

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- (iii) is not to have any of the functions, powers or privileges of a constable,
    - (iv) is not to be under the direction and control of the chief constable, and
  - (b) make such further provision in respect of constables on temporary service as they consider appropriate.
- (4) Regulations made under subsection (3) may in particular make provision—
  - (a) modifying any provision of this Act or any other enactment relating to constables (including any such provision or other enactment creating offences against or as regards constables) in relation to constables on temporary service,
  - (b) about the liability for unlawful conduct of a constable while on temporary service.
- (5) At the end of a period of temporary service outwith the Police Service, a constable—
  - (a) is entitled to revert to serve as a constable of the Police Service in the rank in which the constable was serving immediately before the period began, and
  - (b) is to be treated as if the constable has served as a constable of the Police Service during the period of temporary service for the purposes of any scale prescribed by virtue of regulations made under section 48 fixing the constable's rate of pay by reference to length of service.
- (6) Subsection (5) does not apply where a pension, allowance or gratuity becomes payable to the constable during the period of temporary service by virtue of regulations made under the Police Pensions Act 1976 (c.35).
- (7) A constable may, during any period of temporary service, be promoted to a higher rank and in such a case—
  - (a) the reference in subsection (5)(a) to the rank in which the constable was serving immediately before the period began is to be construed as a reference to the rank to which the constable is promoted, and
  - (b) the constable is, for the purposes of subsection (5)(b), to be treated as having served in that rank from the time of promotion.