
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 257

The Police (Scotland) Regulations 2004

PART 3

DUTY

Duty to carry out lawful orders

20. Every member of a police force shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of that member's office as a constable.

Limitations on duties to be assigned to members statutorily transferred

21.—(1) Where a member of a police force has previously served in a police force for an area comprised in whole or in part in the area for which that member's present force is maintained and that member ceased to be a member of the former force and became a member of the present force by reason only of being statutorily transferred from that force to another then, subject to paragraph (2), that member shall not be assigned to duties which, in the opinion of the Scottish Ministers, make it necessary for that member to move home to a place which is outside the area for which that member's former force was maintained.

(2) Paragraph (1) shall not apply to a person by reason of that person's previous service in a particular police force if—

- (a) since that person became a member of that police force that person has been a chief constable; or
- (b) after that person was statutorily transferred from that police force that person has given written notice to the chief constable of the police force of which that person was at the time a member that the protection accorded by paragraph (1) should cease to apply to that person,

without prejudice, however, to the application of paragraph (1) to that person by reason of service in another police force after that person's statutory transfer from the force first mentioned in this paragraph and before that person's statutory transfer to that person's present force.

(3) Paragraph (1) shall apply in the case of a member of a police force who ceased to be such and became a serviceman, or engaged on relevant service within the meaning of section 38A(1) (b) to (bb) and (e) and (f) of the 1967(1) Act who enjoys a right of reversion under section 38(3) of the 1967 Act or—

- (a) where on ceasing to be such, that person resumed service in, or, as the case may be, exercised that person's right of reversion to, that person's former force, as if that person had not ceased to be a member of that force; or

(1) Section 38A(1) was inserted by section 60 of the Police and Magistrates Courts Act 1994 (c. 29) and amended by the Police Act 1997 (c. 50).

- (b) where on ceasing to be such, that person resumed service in, or, as the case may be, exercised that person's right of reversion to some other force to which members of that person's former force had been transferred as mentioned in paragraph (1), as if that person had been so transferred from that person's former force to that other force.

(4) In this regulation "present force" and "former force" mean, respectively, the force first mentioned and that secondly mentioned in paragraph (1).

Duty

22.—(1) The Scottish Ministers shall determine—

- (a) the normal periods of duty of a member of a police force;
- (b) the periods allowed for refreshment;
- (c) the variable shift arrangements which may be brought into operation by a chief constable;
- (d) the manner and timing of the publication of duty rosters and the matters to be contained therein; and
- (e) the circumstances in which travelling time may be treated as duty.

(2) In making a determination under paragraph (1)(a) the Scottish Ministers may confer on the chief constable discretion to fix the time at which a period commences for the purposes of the determination and may determine the conditions subject to which that discretion is to be exercised.

(3) In making a determination under paragraph (1)(e) the Scottish Ministers may—

- (a) confer on the chief constable discretion to fix a limit on the travelling time which is to be treated as duty;
- (b) confer on the police authority discretion to fix a limit on the amount of the expenses which may be reimbursed in respect of such travelling time.

(4) In this regulation "travelling time" means time spent by a member of a police force in travelling to and from that member's home—

- (a) where that member is required to perform that member's normal daily period of duty in more than one tour of duty, between two tours; or
- (b) where that member is recalled to duty between two tours of duty, in consequence of that member's recall.

Meetings of Scottish Police Federation treated as police duty

23.—(1) The attendance of a member of a police force at one of the following meetings of the Scottish Police Federation, that is to say, a quarterly meeting of a branch board, an ordinary meeting of a central committee, a meeting of the conferences arrangements committee, the annual meeting of the joint central committee with the joint central committee of the Police Federation for England and Wales and the central committee of the Police Federation for Northern Ireland or the annual meeting of a central conference shall be treated as an occasion of police duty.

(2) Subject to the approval of the chief constable, the attendance of a member of a police force at an additional meeting of a branch board of the Scottish Police Federation or at a meeting of a committee of a branch board shall be treated as an occasion of police duty.

(3) Subject to the approval of the Scottish Ministers, the attendance of a member of a police force at a meeting of the Scottish Police Federation, other than such a meeting as is mentioned in paragraph (1) or (2), shall be treated as an occasion of police duty.

(4) In this regulation “branch board” means the branch board mentioned in regulation 7(1) of the Police Federation (Scotland) Regulations 1985(2).