

This is Annex 9 referred to in the foregoing determination by the Scottish Ministers under regulation 19 of the Police Service of Scotland Regulations 2013

Annex 9

Regulation 19

TEMPORARY SALARY

“1)

- a) After 28 consecutive days of being required to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable’s own, a constable of a substantive rank of or above assistant chief constable is to be paid at a rate equivalent to 90% of the higher rank’s basic pay or receive an honorarium of an amount determined by the Scottish Police Authority.
 - b) After 7 consecutive days of being required to perform the duties normally performed by a constable of the Police Service of Scotland at the rank of Assistant Chief Constable or Deputy Chief Constable, a constable of a substantive rank of superintendent or chief superintendent is to be paid at a rate equivalent to the higher rank’s basic pay or receive an honorarium of an amount determined by the Scottish Police Authority.”
- 2) A constable of the Police Service of Scotland of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or, in the case of a part-time constable, a continuous period of shifts amounting to at least 56 hours) to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable’s own, otherwise (subject to paragraph (5)) than as the direct or indirect result of the absence of any constable of the Police Service of Scotland on a monthly or other leave day granted under regulation 25 and any determination thereunder, is to be paid in respect of that period, other than the first 7 days (or first continuous 56 hours of shifts in the case of a part-time constable) thereof, at a rate equal to the rate of pay of the constable in that higher rank.
 - 3) A constable of the Police Service of Scotland of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or continuous 56 hour period of shifts in the case of a part-time constable) to perform the duties normally performed by such a constable whose pay category under regulation 16(1) and any determination thereunder is higher than the constable’s own, otherwise (subject to paragraph (4)) than as the direct or indirect result of the absence of any constable of the Police Service of Scotland on a monthly or other leave day granted under regulation 25 and any determination thereunder, is to be paid in respect of that period, other than the first 7 days (or continuous 56 hour period of shifts in the case of a part-time constable) thereof, at a rate equal to the rate of pay of the constable in that higher pay category (for a part-time constable at the hourly rate arrived at by dividing by 8 a day’s pay at the rate of pay of the constable in that higher pay category).
 - 4) Where any constable of the Police Service of Scotland is absent for a continuous period comprising both:

- a) Monthly or other leave days granted under regulation 25 and any determination thereunder, and
- b) One or more annual leave days granted under regulation 25 and any determination thereunder,

paragraph (2) or (3) shall have effect as if the entire continuous period of absence were a period of annual leave.

- 5) Subject to paragraphs (7) and (8) and the provisions of this paragraph, any constable (whether full-time or part-time) of the Police Service of Scotland below the rank of superintendent who, in any year, has been required to perform the duties normally performed by a constable of the force of a higher rank than their own for 10 complete days cumulative at their rostered working hours in a 12 month period, throughout which the constable performed the duties normally performed by a constable of the Police Service of Scotland of a higher rank than their own, is to be paid in respect of each further complete day in that year on which the constable is required to perform such duties at a rate equal to the lowest rate of pay to which the constable would be entitled on promotion to the higher rank.

- 6) Where:

- a) a constable of the Police Service of Scotland below the rank of inspector is entitled to be paid under paragraph (5)
- b) the higher rank is that of inspector or above, and
- c) the day on which the constable is required to perform the duties referred to in paragraph (5) is not a public holiday or rostered rest day,

there is no entitlement to an allowance or time off under regulation 25 and any determination thereunder in respect of such duties.

- 7) Paragraph (5) does not apply where:

- a) a constable of the Police Service of Scotland below the rank of inspector is required to perform the duties normally performed by a constable of the force of the rank of inspector or above, and
- b) the day on which the constable is so required to perform such duties is a public holiday or rostered rest day.

- 8) A constable of the Police Service of Scotland of the rank of chief inspector who, in any year, has been required to perform the duties normally performed by a constable of the rank of superintendent for 10 complete days (or, for a part-time constable, for 10 complete days cumulative at their normal working hours in a 12 month period) is to be paid in respect of any further complete day in that year on which the constable is required to perform such duties at a rate equal to the lowest rate of pay to which they would be entitled on promotion to superintendent.

9) Where a constable of the Police Service of Scotland:

- a) on the constable's last scheduled working day in any year is required to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable's own, and
- b) is paid in respect of that day a temporary salary under paragraph (5), and
- c) on the constable's first scheduled working day of the next following year continues for the complete day to perform such duties,

the constable is to be paid, in respect of the day mentioned in sub-paragraph (c) and any following complete day which together therewith forms a continuous period when the constable is required to perform such duties, as if that day or days had formed part of the year mentioned in sub-paragraph (a):

provided that the said day or days must be disregarded for the purposes of the application of paragraph (5) to that constable in the year mentioned in sub-paragraph (c).

10) Where a constable of the Police Service of Scotland working in accordance with variable shift or flexible working arrangements:

- a) has a qualifying shift as the constable's last rostered shift in any year, and
- b) is paid in respect of that shift a temporary salary under paragraph (5), and
- c) has a qualifying shift as the constable's first rostered shift in the next following year,

the constable is to be paid in respect of the shift mentioned in sub-paragraph (c) and any qualifying shifts beginning on days that follow consecutively the day on which that shift began as if that shift or shifts had occurred in the year mentioned in sub-paragraph (a):

provided that the said shift or shifts must be disregarded for the purposes of the application of paragraph (5) to that constable in the year mentioned in sub-paragraph (c).

11) Temporary salary is not pensionable except where an officer has been performing duties in a higher rank for a continuous period of more than 56 days, in which case the constable's temporary salary will become pensionable starting at day 57.

12) For the purposes of paragraph (10) the expression "qualifying shift" means, in relation to a constable of the Police Service of Scotland, a rostered shift throughout which the constable is required to perform duties normally performed by a constable of the force of a higher rank than their own.

13) For the purposes of this determination "year" means a period of 12 months beginning on 1 April.

- 14) For the purposes of this determination “day” means in relation to a full-time constable of the Police Service of Scotland below the rank of inspector, his normal daily period of duty.
- 15) For the purposes of this determination “day” means in relation to a part-time constable of the Police Service of Scotland the period that would constitute their normal daily period of duty if the constable were a full-time constable.
- 16) “Full-time constable” means a constable of the Police Service of Scotland appointed otherwise than under regulation 3 and any determination thereunder.