

This is Annex 12 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013

Annex 12

Regulation 25

ANNUAL LEAVE

- 1)
 - a) Every constable of the Police Service of Scotland of or above the rank of superintendent must be granted in each leave year the following period of annual leave namely-
 - i) in the case of a constable of the rank of superintendent or chief superintendent, 40 days;
 - ii) in the case of a constable of a rank higher than that of chief superintendent who has not completed 10 years' relevant service, not less than 42 days; and
 - iii) in any other case, not less than 48 days.
 - b) Subject to sub-paragraph (c) below every constable of the Police Service of Scotland holding a rank below that of superintendent must be granted in each leave year, expressed in 8 hour days, the period of leave set out opposite the constable's length of service as a constable of the Police Service of Scotland in the Table below:-

Table

Length of service	With effect from 1 April 2014
Less than 2 years' relevant service	28 days
2 or more years' relevant service	34 days
10 or more years' relevant service	36 days
15 or more years' relevant service	37 days
20 or more years' relevant service	39 days

- c) Where the annual leave entitlement of a member of a police force immediately before 25 June 2004, in respect of the first leave year commencing after 31 December 2002, exceeded the period prescribed in the member's case in respect of that year by the foregoing provisions of this paragraph the member will continue to be entitled to be granted such greater period of leave until such time as the member has completed such number of years' relevant service as, by virtue of the said provisions, entitle the member to an increased period of leave.
- 2) In the leave year in which a constable of the Police Service of Scotland is appointed to, is promoted in, or retires from the Police Service of Scotland or completes such number of years' relevant service as will entitle the constable to an increased period of annual leave, the constable's annual leave is to be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph (1), to the rank held by the constable for each complete month of service in that rank in the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a constable of the Police Service of Scotland is promoted or completes the said number of years' relevant service while completing a month's service in the leave year in question, the constable is to be treated for the purposes of this paragraph as if the constable had been promoted or, as the case may be, had completed the said number of years' relevant service at the beginning of that month's service.

- 3) In the case of a constable of the Police Service of Scotland of a rank not higher than that of chief superintendent, the chief constable may, at his discretion, and subject to the exigencies of duty-
 - a) notwithstanding anything in paragraphs (1) and (2), where the chief constable is satisfied that, in any leave year, the constable has not taken the full period of annual leave specified in those paragraphs, grant the constable, during the following leave year, additional days of annual leave not exceeding the number of days not taken, so however that the chief constable must not exercise this discretion so as to grant more than 5 additional days of annual leave to a constable unless the chief constable is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so;
 - b) grant the constable not more than 5 additional days of annual leave, to be taken in the last month of the leave year, subject to a corresponding reduction being effected in the constable's period of annual leave under paragraph (1) for the following year.
- 4)
 - a) Subject to sub-paragraph (b), days of annual leave granted under this determination may be taken, at the discretion of the chief constable and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day or as half days.
 - b) In the case of a constable below the rank of superintendent, not more than 3 days of annual leave may be taken as half days, and where annual leave is so taken, the constable-
 - i) must do duty on that day for 4 hours, and
 - ii) is not entitled to be allowed an interval for refreshment such as may be determined under regulation 14(1)(b).
- 5)
 - a) Where a constable of the Police Service of Scotland has been recalled to duty from a period of absence from duty to which this paragraph applies, the constable must be granted, in compensation for being recalled to duty on any day during that period which is a day of annual leave or a day taken off in lieu of overtime-
 - i) if the constable was so recalled to duty for 1 or 2 days (whether or not in the latter case those days formed a single period), an additional 2 days' annual leave (or, if the constable so chooses, 1 day's annual leave and 1 day's pay

at double time) in lieu of each such day for which the constable was so recalled; or

ii) if the constable was so recalled to duty for 3 or more days (whether or not forming a single period), 2 days' annual leave (or, if the constable so chooses, 1 day's annual leave and 1 day's pay at double time) in lieu of each of the first 2 such days for which the constable was so recalled, and 1 ½ days' annual leave (or, if the constable so chooses, 1 day's annual leave and ½ day's pay at double time) in lieu of each such day for which the constable was so recalled thereafter.

b) This paragraph applies to a period of absence from duty of 3 or more days, where at least one of those days is a day of annual leave and the other days, if not days of annual leave, are rostered rest days, day taken off in lieu of overtime, public holidays (or days taken off in lieu thereof) or monthly leave days, or any combination thereof. The compensation agreed applies not only to officers actually recalled from annual leave, but also to pre-booked, scheduled annual leave.

6)

a) For the purposes of this determination, "relevant service" means any service which the constable concerned is entitled to reckon for the purposes of pay together with any service which the constable was previously so entitled to reckon-

i) in the case of a constable below the rank of superintendent, in any lower rank;

ii) in any other case, in the rank of superintendent or any higher rank,

except that relevant service does not include any such service as is mentioned in regulation 32.

b) Where a constable of an aerodrome constabulary has been transferred to the Police Service of Scotland by an order under section 30 of the Aviation Security Act 1982 then, for the purposes of this paragraph, the constable's service in any rank in that constabulary is to be treated as if it were service in the corresponding rank in the Police Service of Scotland.

7)

a) In this determination, "day", in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as are fixed by the chief constable and the chief constable may fix different times in relation to different groups of constables.

b) In discharging his functions under sub-paragraph (a) above, the chief constable must have regard to the views of the Joint Central Committee.