

2013 No. 42

POLICE

**The Police Service of Scotland (Police Cadets)
Regulations 2013**

Made - - - - *6th February 2013*

Laid before the Scottish Parliament *8th February 2013*

Coming into force - - *1st April 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 48 and 125(1) of the Police and Fire Reform (Scotland) Act 2012(a) and all other powers enabling them to do so.

In accordance with section 54(1) of that Act, they have shared a draft of the Regulations with the Police Negotiating Board for the United Kingdom and have considered any representations made.

In accordance with section 54(2) of that Act, they have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) and have considered any representations made.

Citation and commencement

1. These Regulations may be cited as the Police Service of Scotland (Police Cadets) Regulations 2013 and come into force on 1st April 2013.

Police cadets

2.—(1) The Regulations mentioned in the Schedule, so far as not already revoked, are revoked.

(2) Notwithstanding paragraph (1), the Regulations mentioned in Part 2 and, so far as provided there, in Part 3 of the Schedule continue to have effect on and after 1st April 2013, subject to the modifications in paragraph (3).

(3) The Police Cadets (Scotland) Regulations 1968(a) are modified as follows—

(a) in regulation 1(4)—

(i) for paragraph (a) substitute—

“(a) any reference to the police force to which a police cadet is attached is a reference to the Police Service of Scotland; and in relation to a police cadet any reference to the chief constable, deputy chief constable, an assistant chief constable or the police authority is a reference to the chief constable, a deputy chief constable or assistant chief constable of the Police Service of Scotland or the Scottish Police Authority, as the case may be;”;

(ii) in paragraph (d) for the definition of “constable” substitute—

““constable” means a constable, other than a special constable appointed under section 9 of the Police and Fire Reform (Scotland) Act 2012, serving with the Police Service of Scotland;”;

(b) omit regulation 5(2);

(c) for the table in Schedule 1 substitute—

“TABLE

<i>Age</i>	<i>Annual Pay</i>
Under 17 years	£7,500
17 years	£7,965
18 years or over	£8,856”;

(d) in Schedule 2 for “£708” substitute “£1047”.

(4) The Regulations listed in Parts 2 and 3 of the Schedule are to be regarded for all purposes as if they had been made under section 48 of the Police and Fire Reform (Scotland) Act 2012.

(5) A police cadet’s contract of employment has effect on and after 1st April 2013 as if originally made between the police cadet and the Scottish Police Authority.

(6) The rights, powers, duties and liabilities of the relevant authority under or in connection with the contract of employment transfer to the Scottish Police Authority on 1st April 2013.

(7) Anything done before 1st April 2013 by or in relation to the relevant authority in respect of the contract of employment or the police cadet is to be treated on and after that date as having been done by or in relation to the Scottish Police Authority.

(8) If, before 1st April 2013, a police cadet has informed the relevant authority that the police cadet does not wish to become an employee of the Scottish Police Authority—

(a) paragraphs (5) to (7) do not apply in relation to the police cadet; and

(b) the police cadet’s contract of employment is terminated on 1st April 2013.

(9) Nothing in this regulation affects any right of a police cadet to terminate the police cadet’s contract of employment if a substantial detrimental change in the police cadet’s working conditions is made.

(10) No such right arises by reason only that, by virtue of this regulation, the identity of the police cadet’s employer changes.

(a) S.I. 1968/208; as amended by S.I. 1969/1820, 1970/424, 1971/185, 1972/778, 1974/1248, 1976/621, 1978/999, 1982/1768, 1983/318, 1984/2029, 1987/1878, 1997/2791 and S.S.I. 2006/552.

(11) In this regulation—

“joint police board” means a joint police board constituted by an amalgamation scheme made under the Police (Scotland) Act 1967^(a);

“police authority” means a police authority established under section 2 of the Police (Scotland) Act 1967; and

“relevant authority” means the joint police board or police authority which employs the police cadet concerned immediately before 1st April 2013.

St Andrew’s House,
Edinburgh
6th February 2013

KENNY MACASKILL
A member of the Scottish Government

^(a) 1967 c.77.

SCHEDULE

Regulation 2

PART 1

INSTRUMENTS REVOKED

Police Cadets (Scotland) Amendment Regulations 1969 (S.I. 1969/493)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1970 (S.I. 1970/1413)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1971 (S.I. 1971/810)
Police Cadets (Scotland) Amendment Regulations 1973 (S.I. 1973/1138)
Police Cadets (Scotland) Amendment Regulations 1975 (S.I. 1975/1452)
Police Cadets (Scotland) Amendment Regulations 1977 (S.I. 1977/1131)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1977 (S.I. 1977/2009)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1978 (S.I. 1978/1171)
Police Cadets (Scotland) Amendment Regulations 1979 (S.I. 1979/1698)
Police Cadets (Scotland) Amendment Regulations 1982 (S.I. 1982/273)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1983 (S.I. 1983/1368)
Police Cadets (Scotland) Amendment Regulations 1986 (S.I. 1986/121)
Police Cadets (Scotland) Amendment Regulations 1997 (S.I. 1997/2791)

PART 2

INSTRUMENTS REVOKED WITH SAVING

Police Cadets (Scotland) Regulations 1968 (S.I. 1968/208)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1969 (S.I. 1969/1820)
Police Cadets (Scotland) Amendment Regulations 1970 (S.I. 1970/424)
Police Cadets (Scotland) Amendment Regulations 1971 (S.I. 1971/185)
Police Cadets (Scotland) Amendment Regulations 1972 (S.I. 1972/778)
Police Cadets (Scotland) Amendment Regulations 1974 (S.I. 1974/1248)
Police Cadets (Scotland) Amendment Regulations 1976 (S.I. 1976/621)
Police Cadets (Scotland) Amendment Regulations 1978 (S.I. 1978/999)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1982 (S.I. 1982/1768)
Police Cadets (Scotland) Amendment Regulations 1983 (S.I. 1983/318)
Police Cadets (Scotland) Amendment Regulations 1984 (S.I. 1984/2029)
Police Cadets (Scotland) Amendment (No. 2) Regulations 1987 (S.I. 1987/1878)

PART 3

INSTRUMENT REVOKED WITH PARTIAL SAVING

1. The Police (Minimum Age for Appointment) Regulations 2006^(a) so far as they amend the Police Cadets (Scotland) Regulations 1968.

(a) S.S.I. 2006/552.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of police cadets of the Police Service of Scotland.

Regulation 2 and the Schedule revoke all the subordinate legislation in relation to police cadets which was made under the Police (Scotland) Act 1967. Regulation 2(2) saves the Police Cadets (Scotland) Regulations 1968 and associated Regulations that make amendments which had effect immediately before the coming into force of these Regulations. The Police Cadets (Scotland) Regulations 1968 are modified by regulation 2(3) so that they may continue to operate in relation to the Police Service of Scotland. Paragraph (3) also increases the pay and board allowance. Transitional provision is made in paragraphs (5) to (10) in relation to those police cadets who are transferred to the Police Service of Scotland under the Police and Fire Reform (Scotland) Act 2012.

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