

ALLOWANCES

1) MOTOR VEHICLE ALLOWANCES

- a) Where the chief constable is of opinion that the duties normally performed by a member of a police force are of such a nature that it is-
- i) essential, or
 - ii) desirable,

that the member in question should, at all material times, have a motor vehicle at the member's disposal, the chief constable may authorise that member to use (subject to the chief constable's directions) a motor vehicle owned by the member for the purposes of duties performed by the member and, subject to the following provisions of this determination, in respect of such use the member shall be paid a motor vehicle allowance. Use of a motor vehicle during travelling time which is treated as duty in accordance with a determination under regulation 22(1)(e) shall be treated as use for the purposes of duties performed by the member.

- b) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the police authority, in relation to the use in question, for the purposes thereof.
- c) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by the member or, in the case of passengers being members of a police force, by those members.
- d) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable-
- i) where the chief constable is of the opinion mentioned in sub-paragraph (a)(i), at the essential user's rate;
 - ii) where the chief constable is of the opinion mentioned in sub-paragraph (a)(ii), at the casual user's rate,

as provided in sub-paragraphs (e) and (f) .

provided that where the member concerned holds a rank above that of chief superintendent the member may instead be paid a flat-rate motor vehicle allowance at such annual rate as is determined by the police authority on such basis as is approved by the Scottish Ministers.

- e)

i) Subject to the following provisions of this determination, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (ii) and (iii).

ii) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question at the annual rate specified in sub-paragraph (g) and (h) by reference to the cylinder capacity of the motor car in question.

iii) The mileage element shall be calculated in relation to authorised use at the rate specified in sub-paragraph (g) and (h) by reference to the cylinder capacity of the motor car in question, and for that purpose sub-paragraph (g) and (h) so specifies:

- (1) a basic rate, in relation to authorised use not exceeding the mileage specified in sub-paragraph (g) and (h) ("the basic mileage"), and
- (2) a reduced rate in relation to authorised use in excess of the basic mileage.

(f) A motor vehicle allowance in respect of the authorised use of-

- i) a motor car of a cylinder capacity not exceeding 500 c.c., or
- ii) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Scottish Ministers.

g) Rates, with effect from 1 April 2002

	451-999cc	1000cc-1199cc	1200-1450cc
Essential users			
Lump sum per annum	£657	£735	£945
Per mile - first 8,500 miles	28.1p	31.2p	38.3p
Per mile - after 8,500 miles	10.1p	11.1p	12.4p
Petrol element per mile	6.631p	7.073p	7.763p
Amount of VAT per mile in petrol element	0.988p	1.053p	1.156p
Casual users			
Per mile - first 8,500 miles	35.8p	39.9p	49.4p
Per mile - after 8,500 miles	10.1p	11.1p	12.4p
Petrol element per mile	6.631p	7.073p	7.763p
Amount of VAT per mile in petrol element	0.988p	1.053p	1.156p

h) Rates, with effect from 1 April 2003

	451-999cc	1000cc-1199cc	1200-1450cc
Essential users			
Lump sum per annum	£657	£735	£945
Per mile - first 8,500 miles	28.6p	31.5p	38.7p
Per mile - after 8,500 miles	10.6p	11.3p	12.8p
Petrol element per mile	7.065p	7.363p	8.064p
Amount of VAT per mile in petrol element	1.051p	1.097p	1.201p
Casual users			
Per mile - first 8,500 miles	36.4p	40.2p	49.9p
Per mile - after 8,500 miles	10.6p	11.30p	12.8p
Petrol element per mile	7.056p	7.363p	12.01p
Amount of VAT per mile in petrol element	1.051p	1.097p	1.201p

- i) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine; but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.
- j) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Scottish Ministers, determines as being appropriate in all the circumstances.
- k) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (e)(iii) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.
- l) The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate specified in sub-paragraphs (g)

and (h) by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with sub-paragraph (e).

- m) The amount of a motor vehicle allowance payable to a member of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief constable of police, with the approval of the police authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.
- n) In its application to a chief constable this determination shall have effect as if any reference therein to that officer were a reference to the police authority.
- o) For the purposes of this determination-

“authorised use” means the use, authorised under sub-paragraph (a), of a motor vehicle owned by the member of a police force concerned for the purposes of the member’s duties as a member of that force or, where the member has been statutorily transferred from one force to another force, as a member of either of those forces, and “period of authorised use” means the period during which such use is authorised;

“cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

“motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

“year” means a period of twelve months beginning on such date as may be determined by the police authority;

and a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by the member.

2) DOG HANDLER'S ALLOWANCE

- a) Where a dog owned by the police authority is kept and cared for by a

member of a police force at that member's home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.

- b) For this purpose the member shall be treated as keeping and caring for a dog at his home if the member would be doing so but for being on annual leave.
- c) The annual rate of this allowance
 - i) in the case of a member of a police force of the rank of constable is £987 from 1 September 1996 and £1059 from 1 September 1997;
 - ii) in the case of a constable of any other rank is £1,395 from 1 September 1996 and £1,443 from 1 September 1997;
 - iii) with effect from 1 July 2000 is £1,554;
 - iv) with effect from 1 September 2000 is £1,602;
 - v) with effect from 1 September 2002 is £1,710;
 - vi) with effect from 1 September 2003 is £1,761.
- d) Up to and including 24th June 2004 where a member of a police force keeps and cares for at home more than one dog owned by the police authority, the annual rate of the allowance shall be multiplied by the number of such dogs to kept and cared for.

From 25th June 2004.

- e) Where the member keeps and cares for at his home more than one dog owned by the police authority, there shall be added to the allowance an amount equal to 25 per cent of the sum specified in sub-paragraph (c) for each such dog.

3) SPECIAL PRIORITY PAYMENTS

With effect from 1st April 2003

- a) A member in a qualifying post in the force's special priority payment scheme who meets the personal criteria in sub-paragraph (f) below shall be paid an allowance (special priority payment).
- b) The annual amount for each qualifying post shall be determined by the chief constable and the police authority. The amount shall normally be no less than £500 and no more than £3,000, although exceptionally, annual amounts of up to £5,000 may be determined.
- c) The payment will be made as a single non-pensionable lump sum in

December of each year commencing in 2003.

- d) In December 2003, a member who is entitled to a special priority payment shall be paid an amount -
- i) equal to three quarters of the annual amount for the qualifying post when the member has been in the post from 1 April to 31 December 2003, or,
 - ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 April to 31 December 2003 during which the member has been in the post.
- e) In December 2004 and in subsequent years, a member who is entitled to a special priority payment shall be paid an amount -
- (i) equal to the annual amount for the qualifying post when the member has been in post from 1 January to 31 December in that year, or
 - (ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 January to 31 December during which the member has been in the post.
- f) In agreeing the qualifying posts for the force's special priority payment scheme, the chief constable and police authority shall have regard to the following criteria in respect of any post, that it:
- Carries a significantly higher responsibility level than the norm for the rank; or
 - Presents particular difficulties in recruitment and retention; or
 - Has specially demanding working conditions or working environments.
- g) The personal criteria are that the member has demonstrated that the member is fully competent in and highly committed to that member's duties and responsibilities.

4) BONUS PAYMENTS

With effect from 1st April 2003 a chief constable may award a payment of between £50 and £500 to a member of the chief constable's force where the chief constable is satisfied that the member concerned has performed a piece of work of an outstandingly demanding, unpleasant or important nature.

5) REMOVAL ALLOWANCE – this paragraph applies from 1 April 1996 to 31 March 2003

- (a) Where a member of a police force moves home in circumstances to which this paragraph applies, the police authority –
- i) shall either reimburse the reasonably incurred cost of removal or carry out the removal;

ii) shall, where the member of a police force was the owner of the former home, reimburse expenses reasonably incurred by the member in connection with the disposal thereof;

iii) shall, where the member of a police force is the owner of the new home, reimburse expenses reasonably incurred by the member in connection with the acquisition thereof if –

(1) the member was the owner of the former home, or

(2) the police authority, after consulting the chief constable, are satisfied that the member could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of the member's normal place of duty,

so, however, that where the police authority are of opinion that the member could have acquired a suitable home for a consideration less than that actually paid, they may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration;

iv) shall reimburse the member payments made by the member to meet relevant liabilities in respect of the first 26 weeks following the move and may, if they think fit, reimburse the member such payments in respect of such further period as they may determine so, however, that where the police authority are of opinion that the member has not taken all reasonable steps to reduce or terminate the member's liability to make such payments as aforesaid they may restrict the reimbursement to payments which the members would have been liable to make and had the member taken all such steps.

(b) Sub-paragraph (a) applies where the member moves home –

i) on joining the force in the rank of assistant chief constable or a higher rank; or

ii) except as a consequence of joining the force otherwise than on being statutorily transferred thereto, and the removal is, in the opinion of the chief constable, due to the exigencies of police duty or is made at the request of the chief constable and is, in his opinion, in the interests of the efficiency of the force.

(c) Where a member moves home in consequence of voluntarily transferring from one force to another, otherwise than in circumstances to which sub-paragraph (b) applies, the police authority of the force to which he transfers –

i) may either reimburse the reasonable cost of removal or carry out the removal;

- ii) may, in the circumstances mentioned in sub-paragraph (a)(i), reimburse the expenses there mentioned;
 - iii) in the circumstances and subject to the conditions mentioned in sub-paragraph (a)(iii) reimburse the expenses there mentioned;
 - iv) may, subject to the conditions mentioned in sub-paragraph (a)(iv), reimburse the expenses there mentioned.
- (d) For the purposes of sub-paragraph (a)(iv) relevant liabilities are –
- i) liabilities in respect of mortgage interest or rent payable in connection with the former home; and
 - ii) in respect of any days in respect of which the member is liable to pay council tax in respect of the member's former home, the amount by which that tax and any council tax the member is liable to pay in respect of the member's new home exceeds the council tax that the member would have been liable to pay in respect of the member's former home if the member had not moved from it.
- (e) Where the cost of removal is reimbursed or the removal is carried out by the police authority under sub-paragraph (a) or (c), then, subject to sub-paragraph (g) in respect of expenditure incidental to the move the police authority shall pay the constable an allowance of the amount hereinafter provided.
- (f) Every sum of money specified in sub-paragraphs (h) to (j) is to be multiplied by the appropriate factor.
- (g) An allowance under sub-paragraph (e) –
- i) shall not be payable, where a member who has never been married moves from furnished accommodation;
 - ii) shall only be payable if the chief constable so decides, where a member moves from unfurnished into furnished accommodation.
- (h) In the case of a member who –
- i) moves into furnished accommodation; or
 - ii) moves into unfurnished accommodation but has not previously, while a member, lived in such accommodation,
- the amount of the allowance under sub-paragraph (e) shall be £20.
- (i) In the case of any other member the amount of the allowance under sub-paragraph (e) shall not exceed

- (1) from 1 April 1996 - £1,396;
- (2) from 1 April 1997 - £1,431;
- (3) from 1 April 1998 - £1,482;
- (4) from 1 April 1999 - £1,524;
- (5) from 1 April 2001 - £1,596
- (6) from 1 April 2002 - £1,608

nor be less than the minimum amount mentioned in sub-paragraph (j) but, subject as aforesaid, shall equal the aggregate of the following amounts –

- (1) the amount of the expenditure incidental to the move reasonably incurred by the member, and
 - (2) where the member satisfies the police authority that, in consequence of the move, the member has failed to benefit, in whole or in part, from expenditure reasonably incurred by the member prior to the move (other than such payments as are referred to in paragraph (a)(iv)), the whole or the proportionate part of that expenditure so far as it is not recoverable by the member.
- (j) The minimum amount referred to in sub-paragraph (i) shall be –
- (1) where the member holds, or is transferring to be appointed in, a rank higher than that of superintendent, such amount as may be determined by the police authority;
 - (2) where the member holds, or is transferring to be appointed in, the rank of superintendent, £129;
 - (3) where the member holds, or is transferring to be appointed in, the rank of inspector, £102;
 - (4) where the member holds, or is transferring to be appointed in, any rank lower than inspector, £82.
- (k) Where a member of a police force has been requested by the chief constable, in the interests of the efficiency of the force, to move home, and –
- i) the member has, in consequence, in connection with the contemplated disposal of the member's home and acquisition of a new home, incurred any expenses; and

- ii) the member would, if the member had moved home, have been reimbursed those expenses by the police authority in pursuance of sub-paragraph (a)(ii) or (iii),

but, in consequence of a subsequent decision of the chief constable, the member does not in fact move home, the member shall be entitled, notwithstanding that the member has not moved home, to be reimbursed those expenses by the police authority.

- (l) In this determination –

- (i) any reference to an owner, being an owner of property mentioned in this regulation, is a reference to an occupier thereof whose interest therein is either (i) that of proprietor of the dominium utile or, in the case of property not held on feudal tenure, that of proprietor thereof, or (ii) a leasehold interest which is neither an interest under a lease (which term includes sublease) from year to year or for a lesser period, or any other lease the unexpired period of which does not exceed a year, not a furnished tenancy:

Provided that, in the case of property subject to a standard security as provided for by the Conveyancing and Feudal Reform (Scotland) Act 1970 or a heritable security constituted by ex facie absolute disposition or assignation, the person who, if the debt were discharged, would be entitled to be vested in that property shall, for the purposes of this determination, be treated as the proprietor or, as the case may be, as the tenant;

- ii) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the discharge, redemption, transfer or taking out of a heritable security;

and any reference to expenses incurred in connection with the acquisition of any property shall be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired.

- (m) Where a university scholar moves home and the removal is, in the opinion of the police authority, due to the scholar having undertaken or completed the scholar's course of study and is, in their opinion, reasonable in all the circumstances, this determination should have effect in the scholar's case as if the removal were such as mentioned in sub-paragraph (a).