

SCHEDULE 2
MEMBERSHIP OF THE SCOTTISH CRIME AND DRUG ENFORCEMENT AGENCY

Police members

- 7 (1) The police members of the Agency are to be appointed by the Authority.
- (2) A person may be appointed under sub-paragraph (1) only if—
- (a) the person is a constable who is seconded to the Authority under paragraph 10(2) of schedule 1;
 - (b) the person is a person who is seconded to the Authority under paragraph 10(3) of schedule 1; or
 - (c) the person has any qualifications for appointment as a constable which are specified in regulations under section 23 and the appointment is to a police rank in the Agency.
- (3) A police member of the Agency appointed by virtue of sub-paragraph (2)(a)—
- (a) is engaged with the Agency on a period of relevant service within the meaning of section 38A(1)(be) of the 1967 Act;
 - (b) does not, by virtue of the appointment, cease to be a member of staff of the Authority.
- (4) A police member of the Agency appointed by virtue of sub-paragraph (2)(b)—
- (a) does not, by virtue of the appointment, cease to be a member of staff of the Authority;
 - (b) is, on appointment, appointed to the office of constable of the Agency; and
 - (c) must on appointment make before a sheriff or a justice of the peace a declaration in such terms as the Scottish Ministers may determine concerning the proper discharge of the duties of that office.
- (5) A police member of the Agency appointed by virtue of sub-paragraph (2)(c)—
- (a) becomes, on appointment, a member of staff of the Authority;
 - (b) is, on appointment, appointed to the office of constable of the Agency; and
 - (c) must on appointment make before a sheriff or a justice of the peace a declaration in such terms as the Scottish Ministers may determine concerning the proper discharge of the duties of that office.
- (6) Without prejudice to any other enactment conferring powers on constables for particular purposes, where a police member of the Agency makes a declaration such as is mentioned in sub-paragraph (4)(c) or (5)(c), the member shall have all the powers and privileges of a constable throughout Scotland and (without prejudice to section 1(2) of the 1967 Act) the adjacent United Kingdom waters.
- (7) Subject to section 23 and paragraph 9(1) of this schedule, an appointment in accordance with this paragraph is made on such terms and conditions as the Authority may determine.
- (8) A determination under sub-paragraph (7) may be made by reference to provision made from time to time by or under regulations under section 26 of the 1967 Act.
- (9) Before making an appointment in accordance with this paragraph, or determining the terms and conditions on which such an appointment is to be made, the Authority must consult the Director General of the Agency.

Status: This is the original version (as it was originally enacted).

(10) In sub-paragraph (6)—

“powers” includes powers under any enactment, whenever passed or made;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

and that sub-paragraph, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.