



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 17

##### MISCELLANEOUS AND GENERAL

VALID FROM 01/04/2013

#### **97 Dissolution of the Police Advisory Board for Scotland**

- (1) The Police Advisory Board for Scotland is dissolved.
- (2) In section 63 of the Police Act 1996 (c.16) (Police Advisory Boards for England and Wales and for Scotland)—
  - (a) in subsection (1)—
    - (i) repeal “and a Police Advisory Board for Scotland”, and
    - (ii) repeal “in those countries respectively”,
  - (b) repeal subsection (1ZA), and
  - (c) in subsection (2), for “each of the Police Advisory Boards” substitute “ the Police Advisory Board for England and Wales ”.

#### **98 Transitional and transitory provision**

- (1) A person mentioned in subsection (3) must provide the Authority with such information and assistance as the Authority may reasonably require.
- (2) A person mentioned in subsection (3) must provide the chief constable with such information and assistance as the chief constable may reasonably require.

*Status: Point in time view as at 08/08/2012. This version of this chapter contains provisions that are not valid for this point in time.*

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- (3) Those persons are—
- (a) a police authority within the meaning of the Police (Scotland) Act 1967 (c.77) (“the 1967 Act”),
  - (b) a joint police board constituted by an amalgamation scheme made under the 1967 Act,
  - (c) a chief constable of a police force maintained under the 1967 Act,
  - (d) the Scottish Police Services Authority.
- (4) Schedule 4 makes provision about the period before the Police Service is established.
- (5) Schedule 5 contains provision about the transfer of constables, inspectors of constabulary, police cadets, staff, property, rights, liabilities and obligations.

#### Commencement Information

**II** S. 98 partly in force; s. 98(4) in force at 8.8.2012 see s. 129(1)(a)

## 99 Interpretation of Part 1

- (1) In this Part, unless the context otherwise requires—
- “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10),
- “annual police plan” has the meaning given by section 35,
- “appropriate prosecutor” means the Lord Advocate or procurator fiscal,
- “assistant chief constable” means a constable appointed to the office of assistant chief constable under section 7(1)(c),
- “Auditor General” means the Auditor General for Scotland,
- “Authority” means the Scottish Police Authority,
- “chief constable” means the constable appointed to the office of chief constable under section 7(1)(a),
- “constable” means an individual holding the office of constable who is serving as a constable of the Police Service and includes—
- (a) the chief constable,
  - (b) other senior officers,
  - (c) any special constable,
  - (d) any constable on temporary service outwith the Police Service, and
  - (e) any individual engaged on temporary service as a constable of the Police Service under arrangements made under section 16,
- “deputy chief constable” means a constable appointed to the office of deputy chief constable under section 7(1)(b),
- “inspectors of constabulary” means Her Majesty’s inspectors of constabulary appointed under section 71,
- “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union (as it had effect before 1 December 2009) or any measure adopted under Article 87 of the Treaty on the Functioning of the European Union,

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- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with Article 34 of the Treaty on European Union,
- (c) the Convention implementing the Schengen Agreement of 14 June 1985,
- (d) the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, or
- (e) any international agreement to which the United Kingdom is a party and which is specified for the purposes of (as the case may be) section 24, 90, 91 or 96 in an order made by the Scottish Ministers,

“joint central committee of the Police Federation for Scotland” means the 3 central committees of the Police Federation for Scotland sitting together as a joint committee,

“local commander” means a constable designated under section 44(2),

“local police plan” has the meaning given by section 47,

“member of the Authority's staff” means an individual appointed under paragraph 6(1) of schedule 1,

“police appeals tribunal” means a tribunal constituted in accordance with schedule 3,

“police cadet” means an individual appointed under section 25,

“police custody and security officer” means an individual certified under section 28(1),

“police functions” means the functions of constables (including the chief constable's functions and any functions of a deputy chief constable, an assistant chief constable or a local commander),

“policing” means the carrying out of police functions (and references to the policing of Scotland are references to the carrying out of police functions in or as regards Scotland),

“the Police Investigations and Review Commissioner” means the Commissioner established by section 33 of the 2006 Act and renamed by section 61,

“Police Service” means the Police Service of Scotland,

“police services” has the meaning given by section 86(9),

“police staff” means staff appointed under section 26(1) (and “member of the police staff” is to be construed accordingly),

“senior officer” means a constable who holds the office of chief constable, deputy chief constable or assistant chief constable,

“strategic police plan” has the meaning given by section 34,

“strategic police priorities” has the meaning given by section 33,

“terms and conditions” includes terms and conditions about payment of remuneration or allowances or about reimbursement of expenses.

- (2) In this Part, references to securing best value are to be construed in accordance with section 37.

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VALID FROM 01/01/2013

## **100 Crown application**

- (1) No contravention by the Crown of any provision made by or under this Part makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Scottish Ministers or any public body or office-holder having responsibility for enforcing that provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), any provision made by or under this Part applies to persons in the public service of the Crown as it applies to other persons.
- (4) The power conferred by section 4(2)(d) does not apply in relation to Crown land.
- (5) In this section, “Crown land” means land held or used by or on behalf of the Crown (and includes an interest belonging to Her Majesty in right of Her private estates).

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