

CRIMINAL JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

OVERVIEW OF THE ACT

Schedule 3 – Police Negotiating Board for Scotland

315. [Schedule 3](#) inserts schedule 2A into the Police and Fire Reform (Scotland) Act 2012. Paragraph 1 establishes that the PNBS is not a Crown servant and has no Crown status, immunity or privilege. Paragraph 2 sets out the membership of the PNBS. It is to consist of a chair appointed by the Scottish Ministers, and other persons representing the Scottish Ministers, the Scottish Police Authority, the chief constable, constables (other than special constables) and police cadets. Paragraph 3 allows a temporary chairperson to be appointed if the chairperson is unavailable. Under paragraph 4, MPs, MSPs, MEPs, government Ministers and civil servants will be disqualified from being the chair or deputy chair of the PNBS to ensure that the chair and deputy chair are independent.
316. [Paragraph 5](#) provides that the Scottish Ministers are to prepare the constitution for the PNBS, after consulting the other persons to be represented on it. They must keep the constitution under review and may from time to time revise it. The constitution or any revision of it must be brought into effect by regulations. This paragraph also sets out what the constitution may include. It must regulate the procedure by which the PNBS reaches agreement on representations to the Scottish Ministers, and if the PNBS is in dispute about what representations are to be made to the Scottish Ministers under section 55B(1) the constitution may provide for the dispute to be submitted to arbitration either by agreement within the PNBS or on the authority of the chairperson where there is no such agreement. The constitution may limit how often within a reporting year and in what circumstances a dispute on representations may be submitted to arbitration. Paragraphs 6 and 7 provide for the application of the Arbitration (Scotland) Act 2010 (“the 2010 Act”) to PNBS arbitrations, including a power to disapply or modify the mandatory arbitration rules set out in the 2010 Act. Paragraph 8 enables regulations giving effect to the PNBS constitution to specify, for the purposes of section 55CA, “qualifying cases” where the Scottish Ministers will be required to take all reasonable steps appearing to them to be necessary to give effect to section 55B(1) representations in terms settled through arbitration in accordance with the PNBS constitution.
317. [Paragraph 9](#) provides that the Scottish Ministers may pay remuneration to the chairperson of the PNBS, and expenses to its members. They must also pay such expenses as are necessary to enable the PNBS to carry out its functions.