

*Draft Order laid before the Scottish Parliament under section 125(3) of the Police and Fire Reform (Scotland) Act 2012, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**FIRE AND RESCUE SERVICES  
POLICE**

**The Police and Fire Reform (Scotland) Act 2012  
(Consequential Modifications and Savings) Order 2013**

*Made* - - - -

*Coming into force* - -

The Scottish Ministers make the following Order in exercise of the powers conferred by section 126(1) and 127(1) of the Police and Fire Reform (Scotland) Act 2012<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 125(3) of that Act a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 and comes into force on 1st April 2013.

**Savings in relation to the Tribunals and Inquiries Act 1992**

2. Despite their modification by this Order—

- (a) paragraph 57(c) (pensions) in Part 2 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under supervision of Scottish Committee)<sup>(2)</sup> continues to have effect on and after 1st April 2013 as it had effect immediately before that date for the purposes of an appeal to a tribunal appointed under regulations made under section 1 of the Police Pensions Act 1976<sup>(3)</sup> by an individual who—

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(1) 2012 asp 8.

(2) 1992 c.53.

(3) 1976 c.35. Section 1 has been amended by the Police Negotiating Board Act 1980 (c. 10), section 2, the Police and Firemen's Pensions Act 1997 (c.52), section 1 and the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 16.

- (i) before 1st April 2013 was a constable of a police force maintained under the Police (Scotland) Act 1967(4); and
  - (ii) is not a constable of the Police Service; and
- (b) paragraph 57A (police) in that Part of that Schedule(5) continues to have effect on and after 1st April 2013 as it had effect immediately before that date for the purposes of an appeal under section 30 of the Police (Scotland) Act 1967(6) in relation to which a notice of appeal under the Police Appeals Tribunal (Scotland) Rules 1996(7) was sent to the Registrar (within the meaning given by rule 1(1) of those Rules) before 1st April 2013.

### **Saving in relation to the Local Authority Accounts (Scotland) Regulations 1985**

3. Despite the modifications made by this Order, the Schedule to the Local Authority Accounts (Scotland) Regulations 1985(8) continues to have effect on and after 1st April 2013 as it had effect immediately before that date for the purposes of the Remuneration Report required, by virtue of regulation 4(2) of those Regulations, to be included in the accounts for the financial year ending on 31st March 2013 of any—

- (a) local authority; or
- (b) joint police board constituted by virtue of section 19(2) of the Police (Scotland) Act 1967(9).

### **Consequential modifications**

4. Schedules 1, 2 and 3 modify certain enactments.

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

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(4) 1967 c.77.  
(5) This entry was inserted by the Police and Magistrates' Courts Act 1994 (c.29), Schedule 5.  
(6) 1967 c.77. Section 30 was amended by the Police and Magistrates' Courts Act 1994 (c.29), section 55 and repealed by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 8.  
(7) S.I. 1996/1644.  
(8) S.I. 1985/267. The Schedule was inserted by S.S.I. 2011/64.  
(9) Section 19(2) has been amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13 and repealed by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 8. There are other amendments not relevant to this Order.

SCHEDULE 1

Article 4

MODIFICATIONS RELATING TO POLICE

PART 1

Modification of Acts

*Dogs Act 1906*

- 1.—(1) The Dogs Act 1906(10) is modified as follows.
- (2) In section 3 (seizure of stray dogs)(11)—
- (a) in subsection (6)—
- (i) for the first “The” to the first “area” substitute “The chief constable of the Police Service of Scotland”; and
- (ii) omit “in that area”; and
- (b) in subsection (9)—
- (i) for the first and third “police” substitute “Police Service of Scotland”;
- (ii) for “out of the police fund” substitute “by the Scottish Police Authority”; and
- (iii) for “account of the police fund” substitute “Scottish Police Authority”.
- (3) In section 8 (application of Act to Scotland)(12), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

*Small Landholders (Scotland) Act 1911*

2. In section 26(3)(c) of the Small Landholders (Scotland) Act 1911 (supplementary provisions and restrictions)(13), omit “, police,” and “or police burgh”.

*Land Settlement (Scotland) Act 1919 (c.97)*

3. In section 15 of the Land Settlement (Scotland) Act 1919 (as to land within burgh in crofting counties)(14), omit “or police” and “or police burgh”.

*Children and Young Persons Act 1933*

4. In section 107(1) of the Children and Young Persons Act 1933 (interpretation)(15), in the definition of “Chief officer of police” for “has” to “1967” substitute “means the chief constable of the Police Service of Scotland”.

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(10) 1906 c.32.

(11) Section 3 has been amended by the Environmental Protection Act 1990 (c.43), Schedule 15, paragraph 3(2). There are other amendments to section 3 which are not relevant to this Order.

(12) Section 8 has been amended by the Statute Law Revision Act 1927 (c.42), the Statute Law (Repeals) Act 1976 (c.16), Schedule 1 and the Police (Scotland) Act 1967 (c.77), Schedules 4 and 5.

(13) 1911 c.49. There are amendments to section 26 which are not relevant to this Order.

(14) 1919 c.97. Section 15 has been amended by section 21 of the Small Landholders and Agricultural Holdings (Scotland) Act 1931 (c.44).

(15) 1933 c.12. Section 107 has been amended by the Police (Scotland) Act 1967 (c.77), Schedule 4 and by the Police Act 1996 (c.16), Schedule 9. There are other amendments to section 107 which are not relevant to this Order.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

*Theatres Act 1968*

5. In section 18(1) of the Theatres Act 1968 (interpretation)(16), for the definition of “police officer” substitute—

““police officer” means a constable of the Police Service of Scotland;”.

*Chronically Sick and Disabled Persons Act 1970*

6. In section 21(8A) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons)(17), for the second “the” to “(c.77)” substitute “section 99(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”.

*Local Government, Planning and Land Act 1980*

7. In section 2(1) of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information)(18) omit paragraphs (j) and (k).

*Wildlife and Countryside Act 1981*

8. In section 11A of the Wildlife and Countryside Act 1981 (snares: training, identification numbers, tags etc.)(19)—

- (a) in subsection (3), for the third “a” substitute “the”;
- (b) in subsection (4)—
  - (i) at the beginning, for “A” substitute “The”; and
  - (ii) in paragraph (a), omit from the second “in” to “area”;
- (c) omit subsection (7);
- (d) in subsection (8)—
  - (i) in paragraph (b), for “a” substitute “the”; and
  - (ii) in paragraph (f), for “chief constables” substitute “the chief constable”; and
- (e) in subsection (9)—
  - (i) for the definition of “chief constable” substitute—

“chief constable” means the chief constable of the Police Service of Scotland; and
  - (ii) omit the definition of “chief constable’s police area”.

*Road Traffic Regulation Act 1984*

9.—(1) The Road Traffic Regulation Act 1984(20) is modified as follows.

(2) In section 95 (appointment of traffic wardens)(21), for subsection (2) substitute—

“(2) Police staff appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012 and employed by the Scottish Police Authority may be designated by the chief

(16) 1968 c.54. There are amendments to section 18 which are not relevant to this Order.

(17) 1970 c.44. Section 21 has been amended by the Transport (Scotland) Act 2001 (asp 2), section 73. There are other amendments to section 21 which are not relevant to this Order.

(18) 1980 c.65. Section 2(1) has been amended by the Fire (Scotland) Act 2005 (asp 5), schedule 3, paragraph 10. There are other amendments to section 2 which are not relevant to this Order.

(19) 1981 c.69. Section 11A was inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), section 13(3) for the purposes specified in S.S.I. 2011/433 as amended by S.S.I. 2012/281.

(20) 1984 c.27.

(21) There are amendments to section 95 which are not relevant to this Order.

constable of the Police Service of Scotland to discharge any such functions as are mentioned in subsection (1) above.”.

(3) In sections 102(7) (charges for removal, storage and disposal of vehicles)(22) and 104(11) (immobilisation of vehicles illegally parked)(23), after “fund” insert “or, in Scotland, to the Scottish Police Authority”.

#### *Housing (Scotland) Act 1987*

**10.**—(1) The Housing (Scotland) Act 1987(24) is modified as follows.

(2) In section 69A(1)(a) (power to refuse to sell houses required for police purposes)(25), for first “a” to “(c.77)” substitute “the Scottish Police Authority as landlord in relation to a house which it holds for the purposes of maintaining the Police Service of Scotland”.

(3) In section 82 (interpretation of Part III)(26), in the definition of “police authority”, for first “a” to “section 19” substitute “the Scottish Police Authority established by section 1 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”.

#### *Housing (Scotland) Act 1988*

**11.**—(1) The Housing (Scotland) Act 1988(27) is modified as follows.

(2) In section 43(3)(a) (removal of special regimes for tenancies of housing associations etc.)(28) omit sub-paragraph (vi) and the “or” immediately preceding it.

(3) In section 45(4) (transfer of existing tenancies)(29) omit paragraph (f) and the “or” immediately following it.

#### *Tay Road Bridge Order Confirmation Act 1991*

**12.** For section 24 of the Schedule to the Tay Road Bridge Order Confirmation Act 1991 (policing, etc. of bridge.)(30) substitute—

“**24.**—(1) In consideration of the watching and policing of the bridge being undertaken by the Police Service of Scotland, the Joint Board shall pay to the Scottish Police Authority annually such sum as may be agreed between the Scottish Police Authority and the Joint Board as representing the reasonable costs incurred by the Police Service of Scotland in policing and watching the bridge.

(2) In the event of any difference arising between the Scottish Police Authority and the Joint Board in any year as to the amount of the payment to be made to the Scottish Police Authority by the Joint Board, such difference shall be referred to the decision of an arbiter appointed by the President for the time being of the Institute of Chartered Accountants of Scotland and the decision of such arbiter shall be final.”.

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(22) There are amendments to section 102 which are not relevant to this Order.

(23) There are amendments to section 104 which are not relevant to this Order.

(24) 1987 c.26.

(25) Section 69A was inserted by section 144 of the Housing (Scotland) Act 2010 (asp 17), subject to savings specified in S.S.I. 2011/96.

(26) Section 82 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 82 which are not relevant to this Order.

(27) 1988 c.43.

(28) Section 43 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 43 which are not relevant to this Order.

(29) Section 45 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 45 which are not relevant to this Order.

(30) 1991 c.iv. Section 24 has been amended by S.I. 1996/749.

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*Road Traffic Act 1991*

**13.** In paragraph 2(6) of Schedule 3 to the Road Traffic Act 1991 (special parking areas)(**31**), for paragraph (a) substitute—

“(a) the chief constable of the Police Service of Scotland;”.

*Tribunals and Inquiries Act 1992*

**14.** In Part 2 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under supervision of Scottish Committee)(**32**)—

- (a) in paragraph 57(c) (pensions), for “a” to “(c.77)” substitute “the Police Service of Scotland within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”; and
- (b) in paragraph 57A (police), for “Schedule” to “(c.77)”, substitute “schedule 3 to the Police and Fire Reform (Scotland) Act 2012 (asp 12)”.

*Children (Scotland) Act 1995*

**15.** In section 53(3) of the Children (Scotland) Act 1995 (provision of information to the Principal Reporter)(**33**), for “(b)” to “1967” substitute “(d) of section 20(1) of the Police and Fire Reform (Scotland) Act 2012”.

*Criminal Procedure (Scotland) Act 1995*

**16.** In section 285 of the Criminal Procedure (Scotland) Act 1995 (previous convictions: proof, general)(**34**)—

- (a) in subsection (2)—
  - (i) after “signed by” insert “or on behalf of”;
  - (ii) for the first “Secretary of State” to the first “certificate” substitute “chief constable of the Police Service of Scotland”; and
  - (iii) for first “in pursuance” to second “Metropolis” substitute “by the person by whom, or on whose behalf, the certificate is signed”; and
- (b) in subsection (5)—
  - (i) after “signed by” insert “or on behalf of”;
  - (ii) for first “Secretary of State” to first “certificate” substitute “chief constable of the Police Service of Scotland”;
  - (iii) omit “the Secretary of State or by a person authorised by him to sign such a certificate or by”;
  - (iv) before “or the Commissioner” insert “the chief constable of the Police Service of Scotland”.

(31) 1991 c.40. There are amendments to Schedule 3 which are not relevant to this Order.

(32) 1992 c.53. Part 2 of Schedule 1 has been amended by the Police and Magistrates’ Courts Act 1994 (c. 29), Schedule 5, paragraph 40(3). There are other amendments not relevant to this Order.

(33) 1995 c.36. There is an amendment to section 53 which is not relevant to this Order.

(34) 1995 c.46. Section 285 has been amended by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 59.

*Police Act 1996*

17. In section 62(1A)(a) of the Police Act 1996 (functions of the Board with respect to regulations)(35) omit “(other than regulations relating to special constables)”.

*Housing (Scotland) Act 2001*

18. In paragraph 2(2) of schedule 1 to the Housing (Scotland) Act 2001 (police and fire service accommodation)(36)—

- (a) in paragraph (a), for “held” substitute “provided”; and
- (b) in paragraphs (a) and (b) for “a police force” substitute “the Police Service of Scotland”.

*Proceeds of Crime Act 2002*

19.—(1) The Proceeds of Crime Act 2002(37) is modified as follows.

(2) In section 139(9) (serious default)(38)—

- (a) in paragraph (a), for “police authority” to “maintained” substitute “Scottish Police Authority”; and
- (b) after that paragraph, insert—
  - “(aa) if the person in default was a constable of the Police Service of Scotland, the compensation is payable by the Scottish Police Authority.”.

(3) In section 302(7) (compensation)(39)—

- (a) in paragraph (b), for “police authority” to “maintained” substitute “Scottish Police Authority”; and
- (b) after that paragraph insert—
  - “(ba) in the case of a constable of the Police Service of Scotland, it is to be paid by the Scottish Police Authority.”.

*Sexual Offences Act 2003*

20.—(1) The Sexual Offences Act 2003(40) is modified as follows.

(2) In section 87(1)(a) (method of notification and related matters)(41) omit “in his local police area”.

(3) In section 88 (section 87: interpretation)(42) omit subsection (3).

(4) In section 88C(8) (review of the indefinite notification requirements: procedure and grounds)(43), for “police force” to “resides” substitute “Police Service of Scotland”.

(5) In section 89(5) (young offenders: parental directions)—

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(35) [1996 c.16](#). Section 62 has been amended by schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act [2006 \(asp 10\)](#) and by Part 1 of schedules 7 and 8 to the Police and Fire Reform (Scotland) Act [2012 \(asp 8\)](#). There are other amendments to section 62 which are not relevant to this Order.

(36) [2001 asp 10](#). Paragraph 2(2) was inserted by section 154(c) of the Housing (Scotland) Act [2010 \(asp 17\)](#). Paragraph 2 has also been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act [2012 \(asp 8\)](#). There are other amendments to schedule 1 which are not relevant to this Order.

(37) [2002 c.29](#).

(38) There is an amendment to section 139 which is not relevant to this Order.

(39) There are amendments to section 302 which are not relevant to this Order.

(40) [2003 c.42](#).

(41) There are amendments to section 87 which are not relevant to this Order.

(42) There are amendments to section 88 which are not relevant to this Order.

(43) Section 88C was inserted by [S.S.I. 2011/45](#).

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- (a) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”; and
  - (b) omit “within” to “force”.
- (6) In section 90(2)(parental directions: variations, renewals and discharges), for paragraph (e) substitute—
- “(e) in Scotland—
    - (i) where the appropriate court is a civil court, the chief constable of the Police Service of Scotland; and
    - (ii) in any other case, the prosecutor;”.
- (7) In section 96A (police powers of entry to and examination of relevant offender’s home address)(44)—
- (a) in subsection (1)—
    - (i) omit the first “of the relevant force”; and
    - (ii) for the second “relevant force” substitute “Police Service of Scotland”;
  - (b) in subsection (2)(d), for “relevant force” substitute “Police Service of Scotland”; and
  - (c) in subsection (11)—
    - (i) omit the definition of “the relevant force”; and
    - (ii) in the definition of “senior police officer”, after “constable” insert “of the Police Service of Scotland”.
- (8) In section 103(1) (sections 97 to 100: Scotland)—
- (a) in paragraph (a), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”; and
  - (b) in paragraph (c) omit “within” to “force”.
- (9) In section 105(1) (SOPOs: further provision as respects Scotland)(45)—
- (a) for “A chief constable” substitute “The chief constable of the Police Service of Scotland”; and
  - (b) for “the area of his police force” substitute “Scotland”.
- (10) In section 112(1)(c) (sections 104 and 106 to 109: Scotland)(46), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”.
- (11) In section 121(1)(a) (sections 114 to 118: Scotland), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”.

*Police, Public Order and Criminal Justice (Scotland) Act 2006*

**21.** In section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (interpretation of Chapter 2)(47), in the definition of “Police Service”, for “for” substitute “of”.

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(44) Section 96A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 80.

(45) Section 105 has been amended by section 17(1) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9), subject to the savings specified in S.S.I. 2005/480.

(46) There are amendments to section 112 which are not relevant to this Order.

(47) 2006 asp 10. Section 47 was substituted by paragraph 33(11) of schedule 7 to the Police and Fire Reform (Scotland) Act 2012 (asp 8).



## PART 2

### Modification of statutory instruments

#### *Local Authority Accounts (Scotland) Regulations 1985*

**22.** In the Schedule to the Local Authority Accounts (Scotland) Regulations 1985 (content of remuneration report)(**48**)—

- (a) in paragraph 1 (definitions), in the definition of “relevant person” for “a senior councillor, senior employee or senior police officer” substitute “a senior councillor or senior employee”;
- (b) in that paragraph omit the definition of “senior police officer”;
- (c) in paragraph 4 (general disclosure by pay band) omit “, or police officers with,”;
- (d) in paragraph 7(a) omit “or senior police officers”;
- (e) in paragraph 8(d) and (e) omit “or police officer”; and
- (f) in paragraph 10(a) omit “or senior police officers”.

#### *Local Authorities (Publicity Account) (Exemption) (Scotland) Order 1988*

**23.** In paragraph 5 of Schedule 1 to the Local Authorities (Publicity Account) (Exemption) (Scotland) Order 1988(**49**) (descriptions of exempt publicity), for “a” to “authority” substitute “the chief constable of the Police Service of Scotland”.

#### *Council Tax (Administration and Enforcement) (Scotland) Regulations 1992*

**24.** In regulation 3(2) of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992 (information from public bodies)(**50**) omit sub-paragraph (b).

#### *Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998*

**25.**—(1) In regulation 38 of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (interpretation of Part V)(**51**)—

- (a) in paragraph (1)(**52**)—
  - (i) for “section” to “1967” substitute “section 25 of the Police and Fire Reform (Scotland) Act 2012”; and
  - (ii) for second “police” to “training” substitute “Scottish Police Authority”; and
- (b) in paragraph (3)(b), for “27” to “1967” substitute “48 of the Police and Fire Reform Act 2012”.

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(48) S.I. 1985/267. The Schedule was inserted by S.S.I. 2011/64.

(49) S.I. 1988/332.

(50) S.I. 1992/1332. There are amendments to regulation 3 which are not relevant to this Order.

(51) S.I. 1998/192.

(52) Paragraph (1) has been amended by S.I. 1998/364 and S.S.I. 2009/187.

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*Sexual Offences Act 2003 (Travel Notification Requirements)  
(Scotland) Regulations 2004 (S.S.I. 2004/205)*

26. In regulation 10 of the Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 (giving a notification)(53), for paragraphs (1) and (2) substitute—

“(1) For the purpose of giving a notification under section 86(2), as required by regulation 5(2), or under section 86(3), or a further notification under section 86(2), as required by regulation 7, a relevant offender must attend at a police station prescribed under section 87.”.

*Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005*

27.—(1) The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005(54) are modified as follows.

(2) In regulation 2(1) (interpretation)(55), after the definition of “community risk register” insert—

““co-ordination area” means any of the following areas comprising the local government areas (as defined by section 1 of, and Schedule 1 to, the Local Government etc. (Scotland) Act 1994(56) and as adjusted under section 17 of the Local Government (Scotland) Act 1973(57))

- (a) Dumfries and Galloway;
- (b) North Ayrshire, Inverclyde, Dumbarton and Clydebank, Argyll and Bute, Renfrewshire, East Renfrewshire, East Dunbartonshire, City of Glasgow, North Lanarkshire, South Lanarkshire, East Ayrshire and South Ayrshire;
- (c) Falkirk, Clackmannan and Stirling;
- (d) West Lothian, City of Edinburgh, Midlothian, East Lothian and The Borders;
- (e) Perthshire and Kinross, City of Dundee and Angus;
- (f) Moray, Aberdeenshire and City of Aberdeen;
- (g) Fife; or
- (h) Highland, Orkney Islands, Shetland Islands and Western Isles;”.

(3) For each reference to “police area” in the Regulations substitute “co-ordination area”.

*Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006*

28. For article 2(a) of the Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006(58), substitute—

“(a) the chief constable of the Police Service of Scotland;”.

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(53) S.S.I. 2004/205.

(54) S.S.I. 2005/494.

(55) There is an amendment to regulation 2 which is not relevant to this Order.

(56) 1994 c.39.

(57) 1973 c.65.

(58) S.S.I. 2006/63.

*Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders) (Scotland) Order 2006*

**29.**—(1) The Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders) (Scotland) Order 2006(**59**) is modified as follows.

(2) In article 1 (citation, commencement, extent and interpretation)(**60**)—

- (a) in the heading, for “, extent and interpretation” substitute “and extent”; and
- (b) omit paragraph (3).

(3) In article 2 (specified persons)(**61**)—

(a) for sub-paragraph (a), substitute—

“(a) a senior officer of the Police Service of Scotland (within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012).”; and

(b) omit sub-paragraph (b).

*National Health Service Central Register (Scotland) Regulations 2006*

**30.** In Schedule 2 to the National Health Service Central Register (Scotland) Regulations 2006 (information which may be provided from the register and persons to whom it may be provided)(**62**), for the words in column (2) of entry 7 substitute—

“A chief constable of a police force in England and Wales or Northern Ireland, the chief constable of the police service of Scotland or the Security Service.”.

*Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007*

**31.** In the Schedule to the Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007 (listed tribunals)(**63**), for the entry relating to a police appeals tribunal, substitute—

“A police appeals tribunal constituted in accordance with section 56 of, and schedule 3 to, the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)).”.

*Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008*

**32.** In Schedule 1 to the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (list of police stations)(**64**), omit the column with the heading “POLICE AREA”.

*Victim Statements (Prescribed Offences) (No. 2) (Scotland) Order 2009*

**33.** In the Schedule to the Victim Statements (Prescribed Offences) (No. 2) (Scotland) Order 2009 (offences prescribed for the purposes of section 14(2) of the Criminal Justice (Scotland) Act 2003)(**65**), after paragraph 8 insert—

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(59) [S.S.I. 2006/170](#).

(60) Article 1 has been amended by [S.S.I. 2007/89](#).

(61) Article 2 has been amended by [S.S.I. 2007/89](#).

(62) [S.S.I. 2006/484](#). Schedule 2 has been amended by [S.S.I. 2008/358](#). There are other amendments not relevant to this Order.

(63) [S.S.I. 2007/436](#). There are amendments to the Schedule which are not relevant to this Order.

(64) [S.S.I. 2008/128](#). Schedule 1 has been amended by [S.S.I. 2012/50](#).

(65) [S.S.I. 2009/71](#). There are amendments to the Schedule which are not relevant to this Order.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

“**8A.** An offence under section 90(1)(a) of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)) (assaulting or impeding police), but only in respect of an assault on an individual acting in a capacity mentioned in subsection (3)(a) or (c) of that section.”.

*Police Act 1997 (Criminal Records) (Scotland) Regulations 2010*

**34.**—(1) The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(**66**) are modified as follows.

(2) In regulation 5 (central records: prescribed details)(**67**), in paragraphs (1)(a) and (2)(a), for “Scottish Police Services Authority” substitute “Police Service of Scotland”.

(3) In regulation 7 (enhanced criminal record certificates: police forces) omit sub-paragraph (a).

(4) In regulation 8(1) (enhanced criminal record certificates: relevant police forces) omit sub-paragraph (j).

(5) In regulation 16(2) (appropriate bodies to pay fee for information provided to the Scottish Ministers)(**68**) omit sub-paragraph (h).

*Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010*

**35.**—(1) The Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010(**69**) is modified as follows.

(2) In article 2 (interpretation) omit the definition of “the relevant authority”.

(3) In article 4 (disposal of property)(**70**), for “relevant authority”, in each place it occurs, substitute “Scottish Police Authority”.

*Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010*

**36.** In Schedule 1 to the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 (prescribed offices, ranks and positions with relevant public authorities for the purposes of sections 6, 7 and 8 of the 2000 Act)(**71**)—

(a) in the first entry, for the words in column 1 substitute “The Police Service of Scotland”; and

(b) in the second entry—

(i) for the words in column 1 substitute “The Police Investigations and Review Commissioner”;

(ii) for the words in column 2 substitute “The Police Investigations and Review Commissioner”; and

(iii) for the word in column 3 substitute “Director of Investigations”.

*Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010*

**37.** In regulation 7 of the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(**72**) (prescribed bodies) omit sub-paragraph (h).

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(66) [S.S.I. 2010/168](#).

(67) Regulation 5 has been amended by [S.S.I. 2012/354](#).

(68) There is an amendment to regulation 16 which is not relevant to this Order.

(69) [S.S.I. 2010/214](#).

(70) There is an amendment to article 4 which is not relevant to this Order.

(71) [S.S.I. 2010/350](#).

(72) [S.S.I. 2010/383](#).

*Scottish Parliament (Disqualification) Order 2010*

**38.** In Part I of the Schedule to the Scottish Parliament (Disqualification) Order 2010 (office-holders disqualified from being a member of the Scottish Parliament)(**73**) omit—

- (a) “Chief Executive or member of, or constable seconded to, the Scottish Police Services Authority.”; and
- (b) “Director General, Deputy Director General or police member of the Scottish Crime and Drug Enforcement Agency.”.

*Prisons and Young Offenders Institutions (Scotland) Rules 2011*

**39.**—(1) In rule 68 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (visits by police constables)(**74**)—

- (a) in paragraph (1) omit from the first “or” to the second “Agency.”;
- (b) for paragraph (2) substitute—

“(2) A police constable may only visit or see a prisoner under paragraph (1) on production of the written authority of a procurator fiscal or the chief constable of the Police Service of Scotland.”.

(2) A police constable may only visit or see a prisoner under paragraph (1) on production of the written authority of a procurator fiscal or the chief constable of the Police service of Scotland.

*Snares (Identification Numbers and Tags) (Scotland) Order 2012*

**40.** In article 5 of the Snares (Identification Numbers and Tags) (Scotland) Order 2012 (issuing of identification numbers)(**75**) omit paragraph (2).

SCHEDULE 2

Article 4

MODIFICATIONS RELATING TO FIRE

*Cinematograph (Safety) (Scotland) Regulations 1955*

**1.**—(1) The Cinematograph (Safety) (Scotland) Regulations 1955(**76**) are modified as follows.

(2) In regulation 5(3) (fire precautions), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(3) In regulation 21(2) (electric discharge-lamps), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Tribunals and Inquiries (Discretionary Inquiries) Order 1975*

**2.** In paragraph 19B of Part 1 of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(**77**) omit “34(7), 37(2) or”.

(73) S.S.I. 2010/2476. There are amendments to Part I which are not relevant to this Order.

(74) S.S.I. 2011/331.

(75) S.S.I. 2012/282.

(76) S.I. 1955/1125 (s.112).

(77) S.I. 1975/1379. Paragraph 19B was inserted by S.S.I. 2005/344.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

*Building (Procedure) (Scotland) Regulations 1981*

3. In regulation 20(2)(b)(ii) of the Building (Procedure) (Scotland) Regulations 1981 (preparation of draft direction)(78), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Road Vehicles (Construction and Use) Regulations 1986*

- 4.—(1) The Road Vehicles (Construction and Use) Regulations 1986(79) are modified as follows.
- (2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies)—
- (a) for “a relevant authority” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
  - (b) for “authority under that Act” substitute “Service”.
- (3) In regulation 10C(7)(d) (interpretation of regulations 10A and 10B)—
- (a) for “a relevant authority” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
  - (b) for “authority under that Act” substitute “Service”.
- (4) In regulation 36A(13)(e), for “a relevant authority” to “2005” substitute “the Scottish Fire and Rescue Service”.
- (5) In each of the following provisions, for the words from “relevant” to “(asp 5)”, in each place they occur, substitute “Scottish Fire and Rescue Service”—
- (a) regulation 36B(14)(e);
  - (b) regulation 37(5)(a) (audible warning instruments);
  - (c) regulation 82(10)(a);
  - (d) regulation 101(2)(a) (parking in darkness); and
  - (e) regulation 107(2)(a) (leaving motor vehicles unattended).

*Dangerous Substances in Harbour Areas Regulations 1987*

5. In regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987 (storage tanks)(80)—
- (a) for paragraph (1)(ii) substitute—
    - “(ii) in any other case, the Scottish Fire and Rescue Service;”;
  - (b) in paragraph (2), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Fire Precautions (Sub-surface Railway Stations) Regulations 1989*

- 6.—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989(81) are modified as follows.
- (2) In regulation 2 (interpretation) omit the definition of “relevant authority”.

(78) S.I. 1981/1499. Regulation 20(2)(b)(ii) has been amended for Scotland by S.I. 1991/159 and S.S.I. 2005/344.

(79) S.I. 1986/1078. Relevant amendments were made for Scotland by S.I. 1988/271, S.I. 1993/3048, S.I. 1997/530, S.I. 2005/3170 and S.S.I. 2005/344.

(80) S.I. 1987/37. Relevant amendments were made for Scotland by S.S.I. 2005/344 and S.S.I. 2006/457.

(81) S.I. 1989/1401. Relevant amendments were made for Scotland by S.S.I. 2005/344.

(3) In regulation 5(3), (7) and (8) (means for fighting fire), for “relevant authority” substitute “Scottish Fire and Rescue Service”.

(4) In regulation 9(2)(b) (instruction and training of persons working in premises), for “relevant authority”, in both places, substitute “Scottish Fire and Rescue Service”.

(5) In regulation 12 (exemption from requirements)—

(a) in paragraph (1), for “a relevant authority are” substitute “the Scottish Fire and Rescue Service is”; and

(b) in paragraphs (1A) and (2), for “A relevant authority” substitute “The Scottish Fire and Rescue Service”.

#### *Road Vehicles Lighting Regulations 1989*

7.—(1) The Road Vehicles Lighting Regulations 1989(**82**) are modified as follows.

(2) In the table in regulation 3(2) (interpretation), in paragraph (a) of the definition of “emergency vehicle”, for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(3) In regulation 11(2)(y)(ii) (colour of light shown by lamps and reflectors), for “relevant” to “2005” substitute “Scottish Fire and Rescue Service”.

(4) In the table in Part 2 of Schedule 17 (requirements relating to optional side retro reflectors), in the first column of the second entry, for “Relevant” to “2005” substitute “Scottish Fire and Rescue Service”.

(5) In sub-paragraph (b) of Part 2 of Schedule 18 (requirements relating to optional rear retro reflectors), for “relevant” to “2005” substitute “Scottish Fire and Rescue Service”.

#### *Dangerous Substances (Notification and Marking of Sites) Regulations 1990*

8.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations 1990(**83**) are modified as follows.

(2) In regulation 2(1) (interpretation)(**84**) omit the definition of “fire authority”.

(3) In regulations 4(1) and (2) (notification) and 8 (enforcing authority), for “fire authority”, in each place it occurs, substitute “Scottish Fire and Rescue Service”.

#### *Road Traffic (Temporary Restrictions) Procedure Regulations 1992*

9.—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992(**85**) are modified as follows.

(2) In regulation 2 (general interpretation)(**86**) omit the definition of “fire authority”.

(3) In regulation 3(4) (procedure for making a temporary order), for sub-paragraph (b) substitute—

“(b) to the chief officer of the Scottish Fire and Rescue Service;”.

(4) In regulation 6(3) (orders to which no time limit applies), for sub-paragraph (b) substitute—

“(b) the chief officer of the Scottish Fire and Rescue Service;”.

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(82) S.I. 1989/1796. Relevant amendments were made for Scotland by S.S.I. 2005/344 and S.I. 2009/3220.

(83) S.I. 1990/304.

(84) S.I. 1993/176. Regulation 2(1) has been amended for Scotland by S.S.I. 2005/344.

(85) S.I. 1992/1215.

(86) Regulation 2 has been amended for Scotland by S.S.I. 2005/344.

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(5) In regulation 10(3) (procedure for issue of temporary notice by traffic authority), for sub-paragraph (c) substitute—

“(c) to the chief officer of the Scottish Fire and Rescue Service;”.

(6) In regulation 13(3) (procedure for issue of temporary notice by concessionaire), for sub-paragraph (d) substitute—

“(d) to the chief officer of the Scottish Fire and Rescue Service.”.

#### *Motor Vehicles (Wearing of Seat Belts) Regulations 1993*

**10.** In regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (exemptions)(**87**), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

#### *Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993*

**11.** In regulation 11(1) of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 (consultation before the grant of hazardous substances consent)(**88**)—

(a) for sub-paragraph (e) substitute—

“(e) the Scottish Fire and Rescue Service;”; and

(b) in sub-paragraph (k) omit head (ii).

#### *Roads (Traffic Calming) (Scotland) Regulations 1994*

**12.** For regulation 4(c) of the Roads (Traffic Calming) (Scotland) Regulations 1994 (consultation in respect of proposed traffic calming works)(**89**) substitute—

“(c) the Scottish Fire and Rescue Service;”.

#### *Motorways Traffic (Scotland) Regulations 1995*

**13.** In regulation 14(1)(d) of the Motorways Traffic (Scotland) Regulations 1995 (exceptions and relaxations)(**90**)—

(a) for the third “a” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and

(b) for the second “authority” substitute “Service”.

#### *Residential Establishments – Child Care (Scotland) Regulations 1996*

**14.** In regulation 9(1) of the Residential Establishments – Child Care (Scotland) Regulations 1996 (precautions against fire and accident)(**91**)—

(a) for the first “relevant” to “situated” substitute “Scottish Fire and Rescue Service”; and

(b) for the second “the relevant authority” substitute “that Service”.

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(87) Regulation 6(1)(f) has been amended for Scotland by [S.S.I. 2005/344](#).

(88) [S.I. 1993/323](#). Regulation 11(1) has been amended by [S.I. 2000/179](#) and [S.S.I. 2005/344](#).

(89) [S.I. 1994/2488](#). Regulation 4(c) has been amended by [S.S.I. 2005/344](#).

(90) [S.I. 1995/2507](#). Regulation 14(1)(d) has been amended by [S.S.I. 2005/344](#).

(91) [S.I. 1996/3256](#). Regulation 9(1) has been amended by [S.S.I. 2005/344](#) and [2006/457](#).



*Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997*

**15.**—(1) The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997~~(92)~~ are modified as follows.

(2) In regulation 12(1)(e) (significance of vehicular light signals at Pelican crossings), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(3) In regulation 13(1)(f) (significance of vehicular light signals at Puffin crossings), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(4) In regulation 21(c) (exceptions to regulation 20), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Road Humps (Scotland) Regulations 1998*

**16.** In regulation 3 of the Road Humps (Scotland) Regulations 1998 (consultation on road hump proposals)~~(93)~~, for sub-paragraph (b) substitute—

“(b) the Scottish Fire and Rescue Service;”.

*Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999*

**17.**—(1) The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999~~(94)~~ are modified as follows.

(2) In regulation 2 (interpretation)~~(95)~~ omit the definition of “fire authority”.

(3) In the table in regulation 4 (consultation), in column (3) of the entry for item 5, for “fire authority” substitute “Scottish Fire and Rescue Service”.

*Motor Vehicles (Driving Licences) Regulations 1999*

**18.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999~~(96)~~ are modified as follows.

(2) In regulation 23(1)(db) (persons by whom theory tests may be conducted)~~(97)~~—

(a) for the first “any” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and

(b) for the second “any relevant authority” substitute “that Service”.

(3) In regulation 24(1)(cb) (persons by whom manoeuvres, practical and unitary tests may be conducted)~~(98)~~—

(a) for the first “any” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and

(b) for the second “any relevant authority” substitute “that Service”.

*Traffic Signs Regulations and General Directions 2002*

**19.**—(1) The Traffic Signs Regulations and General Directions 2002~~(99)~~ are modified as follows.

~~(92)~~ S.I. 1997/2400. Relevant amendments were made for Scotland by S.S.I. 2005/344 and S.I. 2011/935.

~~(93)~~ S.I. 1998/1448. Regulation 3 has been amended by S.S.I. 2005/344.

~~(94)~~ S.S.I. 1999/614.

~~(95)~~ Regulation 2 has been amended by S.S.I. 2005/344.

~~(96)~~ S.I. 1999/2864.

~~(97)~~ Regulation 23(1)(db) was inserted by S.S.I. 2005/344.

~~(98)~~ Regulation 24(1) has been amended by S.I. 2000/3157 and 2009/788 and by S.S.I. 2005/344.

~~(99)~~ S.I. 2002/3113. Relevant amendments were made for Scotland by S.S.I. 2005/344. There are other amendments which are not relevant to this Order.

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(2) In each of the following provisions, for the words from “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”

- (a) regulation 15(2) (sign shown in diagram 610 and its significance);
- (b) regulation 26(5)(b) (road markings: double white lines);
- (c) regulation 27(3)(c) (road marking shown in diagram: zig-zag lines);
- (d) regulation 36(1)(b) (significance of the light signals prescribed by regulations 33 to 35);  
and
- (e) paragraph 4(1)(a) of Schedule 19 (bus stop and bus stand clearways and box junctions).

*Building (Procedure) (Scotland) Regulations 2004*

**20.** In regulation 2 of the Building (Procedure) (Scotland) Regulations 2004 (interpretation)(**100**), in the definition of “fire authority” omit sub-paragraphs (b) and (c).

*Fire (Additional Function) (Scotland) Order 2005*

**21.**—(1) The Fire (Additional Function) (Scotland) Order 2005(**101**) is modified as follows.

(2) In article 2(1) (interpretation) omit the definition of “specified authority”.

(3) In articles 3 (chemical, biological, radiological or nuclear incident), 4(2) (search and rescue) and 8(1) (nature of provision for emergencies), for “a specified authority” substitute “the Scottish Fire and Rescue Service”.

(4) In articles 4(1), 5 (serious flooding) and 6 (serious transport incidents), for “A specified authority” substitute “The Scottish Fire and Rescue Service”.

(5) Omit article 7 (responding to emergencies outwith a relevant authority’s area).

*Fire (Charging) (Scotland) Order 2005*

**22.**—(1) The Fire (Charging) (Scotland) Order 2005(**102**) is modified as follows.

(2) In article 2 (power to charge for services)—

- (a) for “A relevant authority” substitute “The Scottish Fire and Rescue Service”;
- (b) for the second and third “authority” substitute “Service”; and
- (c) for “(or,” to “area)” substitute “beyond the low water mark”.

(3) In the table in the Schedule (authorised charges)—

- (a) in the heading of the first column, for “relevant authority” substitute “Service”;
- (b) in the first column of entry 1, for “a relevant authority” substitute “the Scottish Fire and Rescue Service”; and
- (c) in the first column of entry 9, omit from “, other” to “scheme”.

*Fire Safety (Scotland) Regulations 2006*

**23.**—(1) The Fire Safety (Scotland) Regulations 2006(**103**) are modified as follows.

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(**100**) S.S.I. 2005/342. Regulation 2 has been amended by S.I. 2009/117. There are other amendments which are not relevant to this Order.

(**101**) S.S.I. 2005/342.

(**102**) S.S.I. 2005/343.

(**103**) S.S.I. 2006/456.

(2) In regulation 23 (maintenance of measures provided in relevant premises for protection of fire fighters), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.

(3) In regulation 24(3) (maintenance of measures provided in the common areas of private dwellings for protection of fire-fighters)—

- (a) in sub-paragraph (a)(i), for “, (b) and (c)” substitute “and (b)”; and
- (b) in sub-paragraph (b)(ii) omit “and (9)(b)”.

#### *REACH Enforcement Regulations 2008*

**24.** In paragraph 5 of Part 3 of Schedule 3 to the REACH Enforcement Regulations 2008 (The Executive)(**104**), for head (e) substitute—

“(e) the Scottish Fire and Rescue Service;”.

#### *A9 Trunk Road (Bankfoot) (Prohibition of Specified Turns) Order 2009*

**25.** In article 4 of the A9 Trunk Road (Bankfoot) (Prohibition of Specified Turns) Order 2009 (exemption for emergency vehicles)(**105**), for the second “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

#### *Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009*

**26.—**(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(**106**) are modified as follows.

(2) In regulation 2(5) (interpretation – general) omit the definition of “relevant authority”.

(3) In paragraph 4(2)(b) of Schedule 1 (telephone number to be used to obtain specialist advice to be displayed (road))—

- (a) omit “or,” to the second “authority”; and
- (b) after “goods”, insert “or, as regards Scotland, the chief officer of the Scottish Fire and Rescue Service”.

(4) In paragraph 5(1)(a)(ii) of Schedule 2 (duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency), for “relevant authority” substitute “Scottish Fire and Rescue Service”.

#### *Control of Asbestos Regulations 2012*

**27.** In regulation 3(4)(a) of the Control of Asbestos Regulations 2012 (application of these Regulations)(**107**), for the second “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

#### *Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013*

**28.** In paragraph 23 of Part 2 of Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (excepted professions, offices, employments, and occupations)(**108**), for “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

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(104) S.I. 2008/2852. There is an amendment to paragraph 5 which is not relevant to this Order.

(105) S.S.I. 2009/241.

(106) S.I. 2009/1348.

(107) S.I. 2012/632.

(108) S.S.I. 2013/50. Paragraph 25 was inserted by S.S.I. 2007/75.

SCHEDULE 3

Article 4

MODIFICATIONS RELATING TO POLICE AND FIRE

PART 1

Modification of Acts

*Civil Contingencies Act 2004*

1. In Part 2 of Schedule 1 to the Civil Contingencies Act 2004**(109)**—
  - (a) for paragraph 14 substitute—

“**14.** The chief constable of the Police Service of Scotland.”; and
  - (b) for paragraph 15 substitute—

“**15.** The Scottish Fire and Rescue Service.”

PART 2

Modification of statutory instruments

*Housing (Preservation of Right to Buy) (Scotland) Regulations 1993*

2. In paragraph 82 of Schedule 2 to the Housing (Preservation of Right to Buy) (Scotland) Regulations 1993 (interpretation of this Part)**(110)**—
  - (a) for the definition of “fire authority”**(111)** substitute—

““fire authority” means the Scottish Fire and Rescue Service;”
  - (b) in the definition of “police authority”, for the first “a” to “section 19” substitute “the Scottish Police Authority established by section 1 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”.

*Fees in the Registers of Scotland Order 1995*

- 3.—(1) The Fees in the Registers of Scotland Order 1995**(112)** is amended as follows.
  - (2) In article 2 (interpretation)**(113)**, omit sub-paragraphs (c), (e) and (g).
  - (3) In paragraph A(10) of section 1 of Part I of the Schedule (Land Register of Scotland)**(114)**—
    - (a) omit “fire and rescue authority, joint fire and rescue board,”;
    - (b) omit “police authority,”; and
    - (c) after “Administration” insert “Scottish Police Authority or Scottish Fire and Rescue Service”.

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**(109)**2004 c.36.

**(110)**S.I. 1993/2164.

**(111)** The definition of “fire authority” was substituted for Scotland by S.S.I. 2005/344.

**(112)**S.I. 1995/1945.

**(113)** Article 2 has been amended for Scotland by S.S.I. 2006/600. There are other amendments to article 2 which are not relevant to this Order.

**(114)** The Schedule was substituted by S.S.I. 2010/404 and paragraph A(10) has been amended by S.S.I. 2011/211.

- (4) In paragraph A(7)(b) of Part II of the Schedule (register of sasines recording fees)—
- (a) omit “fire and rescue authority, joint fire and rescue board”;
  - (b) omit “police authority”; and
  - (c) after “Administration” insert “Scottish Police Authority or Scottish Fire and Rescue Service”.

*Home Zones (Scotland) (No. 2) Regulations 2002*

- 4.—(1) The Home Zones (Scotland) (No. 2) Regulations 2002(**115**) are modified as follows.
- (2) In regulation 2 (interpretation)(**116**) omit the definition of “fire authority”.
- (3) In the table in regulation 5 (detailed consultation), in column (3) of item 4—
- (a) in paragraph (a), for “any” to “situated” substitute “the Police Service of Scotland”; and
  - (b) in paragraph (g), for “fire authority” substitute “Scottish Fire and Rescue Service”.
- (4) In regulation 14(a) (notice of making the designation), for “police” to “situated” substitute “Police Service of Scotland”.

*Road User Charging (Consultation and Publication) (Scotland) Regulations 2003*

- 5.—(1) The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003(**117**) are modified as follows.
- (2) In regulation 2 (interpretation)(**118**) omit the definition of “police area”.
- (3) In regulation 3(1) (consultation)—
- (a) in sub-paragraph (a), for the first “any” to “situated” substitute “the Police Service of Scotland”; and
  - (b) for sub-paragraph (c)(**119**), substitute—  
“**(c)** the Scottish Fire and Rescue Service;”.
- (4) In regulation 7(a)(i) (notice of making of the charging scheme), for “police” to “situated” substitute “Police Service of Scotland”.

*Road User Charging (Exemption from Charges) (Scotland) Regulations 2004*

6. In the Schedule to the Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 (descriptions of vehicles exempted from payment of charges)(**120**)—
- (a) in paragraph 1(**121**), for “a” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
  - (b) in paragraph 2(**122**)—
    - (i) for the first “a” to “1967” substitute “the Police Service of Scotland”; and
    - (ii) omit “or” to “Agency”.

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(115) S.S.I. 2002/292.

(116) Regulation 2 has been amended by S.S.I. 2005/344.

(117) S.S.I. 2003/292.

(118) There are amendments to regulation 2 which are not relevant to this Order.

(119) Regulation 3(1)(c) has been amended by S.S.I. 2005/344.

(120) S.S.I. 2004/519.

(121) Paragraph 1 has been amended by S.S.I. 2005/344.

(122) Paragraph 2 has been amended by S.S.I. 2007/89.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

*Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007*

7.—(1) The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007(**123**) are modified as follows.

(2) In regulation 2 (interpretation), in the definition of “joint board”, omit “, and” to “2005”.

(3) In regulation 3 (new remuneration arrangements for councillors)(**124**), for “11”, in both places, substitute “10”.

(4) Omit regulation 11 (remuneration of certain other councillors)(**125**).

(5) In regulation 12 (joint boards)(**126**)—

- (a) omit paragraphs (4) to (6); and
- (b) in paragraph (7) omit “other”.

*Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011*

8. In the Schedule to the Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011(**127**)—

(a) under the heading “*Commissioners*”, after “Information Commissioner” insert—

“Police Investigations and Review Commissioner”;

(b) under the heading “*Police and fire and rescue services*”—

(i) omit “Central Scotland Fire and Rescue Service”;

(ii) omit from “Dumfries and Galloway Fire and Rescue Service” to “Lothian and Borders Fire and Rescue Service”;

(iii) after “Ministry of Defence Police” insert—

“Police Service of Scotland”;

(iv) omit “Scottish Crime and Drug Enforcement Agency”;

(v) after “Scottish Fire and Rescue Advisory Unit” insert—

“Scottish Fire and Rescue Service”; and

(vi) omit “Strathclyde Fire and Rescue Service” and “Tayside Fire and Rescue Service”.

*Public Contracts (Scotland) Regulations 2012*

9.—(1) The Public Contracts (Scotland) Regulations 2012(**128**) are modified as follows.

(2) In regulation 3(1) (contracting authorities)—

(a) for sub-paragraph (j) substitute—

“(j) the Scottish Fire and Rescue Service;”;

(b) in sub-paragraph (k) omit head (iv);

(c) omit sub-paragraphs (l) and (m);

(d) for sub-paragraphs (q) and (r) substitute—

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(123) S.S.I. 2007/183.

(124) There is an amendment to regulation 3 which is not relevant to this Order.

(125) Regulation 11 has been amended by S.S.I. 2008/415.

(126) There are amendments to regulation 12 which are not relevant to this Order.

(127) S.S.I. 2011/146.

(128) S.S.I. 2012/88.

- “(q) the Scottish Police Authority;” and
- (e) in sub-paragraph (y) omit “(j), (l),” and “(q), (r),”.
- (3) In Schedule 1 (GPA Annex 1 Contracting Authorities)(129) omit “Scottish Police Services Authority” and “Scottish Fire Service College”.

*Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012*

**10.** In the Schedule to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (list of public authorities)(130)—

- (a) under the heading “*Local government*” omit “A joint fire and rescue board constituted by a scheme under section 2(1) of the Fire (Scotland) Act 2005.”;
- (b) for the heading “*Police*” substitute “*Police and Fire*”;
- (c) under that heading, for “A police authority established under section 2 of the Police (Scotland) Act 1967.” substitute—
- “The Scottish Police Authority.  
The chief constable of the Police Service of Scotland.  
The Scottish Fire and Rescue Service.  
The Chief Officer of the Scottish Fire and Rescue Service.”; and
- (d) under the heading “*Other bodies and offices*” omit—
- (i) “A chief constable of a police force maintained under section 1 of the Police (Scotland) Act 1967.”; and
- (ii) “A chief officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005.”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes consequential changes to primary and secondary legislation in relation to the coming into force of the Police and Fire Reform (Scotland) Act 2012. The Order also makes savings provision in relation to certain of those changes.

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(129) There are amendments to Schedule 1 which are not relevant to this Order.

(130) S.S.I. 2012/162.