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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 76**

**POLICE**

The Police Service of Scotland  
(Temporary Service) Regulations 2013

*Made* - - - - 26th February 2013  
*Laid before the Scottish*  
*Parliament* - - - - 28th February 2013  
*Coming into force* - - 1st April 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 15(3) of the Police and Fire Reform (Scotland) Act 2012<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Police Service of Scotland (Temporary Service) Regulations 2013 and come into force on 1st April 2013.

(2) In these Regulations “the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012.

**Temporary service outwith the Police Service of Scotland**

2.—(1) For the purpose of section 15(3)(a)(ii) of the 2012 Act, the following types of temporary service are prescribed in respect of which a constable may be engaged only with the consent of the Scottish Ministers—

- (a) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2002<sup>(2)</sup>; and
- (b) service outwith the United Kingdom in connection with arrangements made under section 87 of the 2012 Act.

(2) For the purpose of section 15(3)(a)(iii) of the 2012 Act, the following types of temporary service are prescribed in respect of which a constable is not to have any of the functions, powers or privileges of a constable—

- (a) service with the Authority under paragraph 7(1) of schedule 1 to the 2012 Act;

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(1) 2012 asp 8.  
(2) 2002 c.1.

- (b) service as an assistant inspector of constabulary or staff officer under section 72(1)(b) or 73(1)(b) of the 2012 Act respectively;
  - (c) service with the British Transport Police Force;
  - (d) service with the Civil Nuclear Constabulary;
  - (e) service with the Ministry of Defence Police;
  - (f) service with the Serious Organised Crime Agency;
  - (g) service as an officer of Revenue and Customs within the meaning given by section 2(1) of the Commissioners for Revenue and Customs Act 2005(3);
  - (h) service as an immigration officer appointed under paragraph 1 of Schedule 2 to the Immigration Act 1971(4);
  - (i) service as a general customs official designated by the Secretary of State under section 3 of the Borders, Citizenship and Immigration Act 2009(5); and
  - (j) service as a customs revenue official designated by the Director of Border Revenue under section 11 of the Borders, Citizenship and Immigration Act 2009.
- (3) For the purpose of section 15(3)(a)(iv) of the 2012 Act, the following types of temporary service are prescribed in respect of which a constable is not to be under the direction and control of the chief constable—
- (a) those types of service mentioned in paragraph (2)(c) to (j); and
  - (b) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002(6).

St Andrew's House,  
Edinburgh  
26th February 2013

*KENNY MACASKILL*  
A member of the Scottish Government

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(3) 2005 c.11.  
(4) 1971 c.77. Paragraph 1 of Schedule 2 has been amended by the Health Protection Agency Act 2004 (c.17), Schedule 3, paragraph 3 and by S.I. 1993/1813.  
(5) 2009 c.11.  
(6) 2002 c.29.

## EXPLANATORY NOTE

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

These Regulations make provision in relation to constables of the Police Service of Scotland who are engaged on temporary service outwith the Police Service.

Regulation 2(1) prescribes the types of temporary service on which a constable may be engaged only with the consent of the Scottish Ministers. Regulation 2(2) prescribes the types of temporary service in respect of which a constable does not have any of the functions, powers and privileges of a constable when so serving. Regulation 2(3) prescribes the types of temporary service in respect of which a constable is, while so serving, not under the direction and control of the chief constable of the Police Service.