
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 149

POLICE

The International Joint Investigation Teams (International Agreements) (EU Exit) (Scotland) Order 2019

| | | |
|--|---------|------------------------|
| <i>Made</i> | - - - - | <i>25th April 2019</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>26th April 2019</i> |
| <i>Coming into force</i> | - - | <i>5th June 2019</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred by section 99(1) of the Police and Fire Reform (Scotland) Act 2012⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the International Joint Investigation Teams (International Agreements) (EU Exit) (Scotland) Order 2019 and comes into force on 5 June 2019.

Specified international agreements

2. The following international agreements are specified for the purposes of sections 24, 90, 91 and 96 of the Police and Fire Reform (Scotland) Act 2012—

- (a) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988⁽²⁾,
- (b) the United Nations Convention against Transnational Organised Crime 2000⁽³⁾,
- (c) the United Nations Convention against Corruption 2003⁽⁴⁾.

(1) 2012 asp 8. Section 99(1) was amended by S.I. 2019/742.
(2) Cmnd. 1927.
(3) Cmnd. 6852.
(4) Cmnd. 6854.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
25th April 2019

H YOUSAF
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, the United Nations Convention against Transnational Organised Crime 2000 and the United Nations Convention against Corruption 2003 for the purposes of sections 24, 90, 91 and 96 of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”).

Specification under section 24 of the 2012 Act means that the chief constable is liable in respect of unlawful conduct on the part of a member of a joint investigation team convened under the relevant agreements, in carrying out (or purportedly carrying out) that person’s functions.

Specification under section 90 of the 2012 Act means that it is an offence to assault or impede a member of a joint investigation team convened under the relevant agreements and the penalties set out in that section apply.

Specification under section 91 of the 2012 Act means that it is an offence to remove a person from custody or to assist the escape of a person in custody, where that person is in the lawful custody of a member of an international joint investigation team convened under the relevant agreements or is in the act of eluding or escaping from such custody. The penalties set out in that section apply.

Specification under section 96 of the 2012 Act means that chapter 16 of the 2012 Act which makes provision in relation to independent custody visits applies to persons in lawful custody of a member of an international investigation team convened under the relevant agreements.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.