
STATUTORY INSTRUMENTS

1995 No. 492 (C.12) (S.34)

POLICE

The Police and Magistrates' Courts Act 1994 (Commencement No.7 and Transitional Provisions) (Scotland) Order 1995

<i>Made</i>	- - - -	<i>28th February 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 94(1), (4) and (5) of the Police and Magistrates' Courts Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No.7 and Transitional Provisions) (Scotland) Order 1995.

(2) This Order shall come into force on 1st April 1995.

(3) In this Order—

“the 1967 Act” means the Police (Scotland) Act 1967(2); and

“the 1994 Act” means the Police and Magistrates' Courts Act 1994.

Provisions of the 1994 Act coming into force on 1st April 1995

2. The provisions of the 1994 Act which are specified in column 1 of Schedule 1 to this Order, and described by reference to the subject matter in column 2 of that Schedule, shall, insofar as not then in force, come into force on 1st April 1995 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

Provisions of the 1994 Act coming into force on 1st April 1996

3. The provisions of the 1994 Act which are specified in column 1 of Schedule 2 to this Order, and described by reference to the subject matter in column 2 of that Schedule, shall, insofar as not

(1) 1994 c. 29.

(2) 1967 c. 77.

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then in force, come into force on 1st April 1996 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

Transitional provision

4.—(1) Any person who on 1st April 1995 would hold the rank of deputy chief constable in a police force maintained under section 1 of the 1967 Act⁽³⁾ but for the commencement by this Order of the provisions of the 1994 Act abolishing that rank shall hold the rank of assistant chief constable in that force.

(2) Any person who on 1st April 1995 would hold the rank of chief superintendent in a police force maintained under section 1 of the 1967 Act but for the commencement by this Order of the provisions of the 1994 Act abolishing that rank shall hold the rank of superintendent in that force.

St Andrew's House,
Edinburgh
28th February 1995

Fraser of Carmyllie
Minister of State, Scottish Office

(3) Section 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), section 146.

SCHEDULE 1

Article 2

PROVISIONS OF THE 1994 ACT WHICH COME INTO FORCE ON 1ST APRIL 1995

<i>Column 1 Provision</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Extent of commencement</i>
Section 47(2)(a)	Assignment of ranks	
Section 48	Assistant chief constables	
Section 53(2)	Fixed term appointments etc.	
Section 59	Common services	
Section 60	Constables engaged on service outside their force	
Section 63(2), (4), (5), and (7)	Other amendments of 1967 Act	
Section 93	Repeals	Only so far as it relates to the entries in Schedule 9, Part I specified below.
Schedule 9, Part I	Repeals	<p>1. Only so far as extending to Scotland, the entry in relation to the Police (Overseas Service) Act 1945.</p> <p>2. The following entries in respect of the 1967 Act:— In section 6(2), the words “a deputy chief constable”. In section 7(1), the words “deputy chief constable,” and “, chief superintendent and”. In section 31, in each of subsections (2) and (4), the words “or deputy”.</p> <p>3. Only so far as extending to Scotland, the entry in relation to the Police Act 1969.</p> <p>4. Only so far as extending to Scotland, the entry in relation to the Police Pensions Act 1976.</p> <p>5. Only so far as extending to Scotland, the entry in relation to the Overseas Development and Cooperation Act 1980.</p>

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SCHEDULE 2

Article 3

PROVISIONS OF THE 1994 ACT WHICH COME INTO FORCE ON 1ST APRIL 1996

<i>Column 1 Provision</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Extent of commencement</i>
Section 47(1)	Establishments of police forces	
Section 47(2)	Assignment of ranks	
Section 47(3)	Appointment of police cadets	
Section 47(4)	Extra policing of locality where works are being constructed	
Section 47(5)	Regulations as to retirement of certain constables	
Section 49	Civilian employees	
Section 54	Power of Secretary of State to give directions to police authorities	
Section 63(9)	Other amendments of 1967 Act	
Section 64	Delegation of functions of Scottish police authorities	
Section 93	Repeals	Only so far as it relates to the entries in Schedule 9, Part I specified below.
Schedule 9, Part I	Repeals	The following entries in respect of the 1967 Act:— Section 7(2). In section 8(1), the words “and subject to the approval of the police authority and the Secretary of State as to numbers”. In section 14(1), the words “(whether by the appointment of temporary constables or otherwise)”. In section 26, in subsection (2)(d), the words “or temporary”; In section 51(1), the definitions of “regular constable”, “special constable” and “temporary constable”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force for specified purposes various provisions of Part II (which concern the arrangements for policing in Scotland) of the Police and Magistrates' Courts Act 1994 and related repeals.

Articles 2 and 3 of, and Schedules 1 and 2 to, this Order bring into force on 1st April 1995 and 1st April 1996 respectively the provisions listed in each Schedule subject to any restriction of purpose specified.

Article 4 makes transitional provision in relation to the abolition of the ranks of deputy chief constable and chief superintendent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Sections 1 to 3 and Schedules 1 and 2 (partially) section 18 (partially), section 41, section 44 and Schedule 5 (partially), section 46, section 52 (partially), section 65, section 93 and Part I of Schedule 9 (partially).	8. 8.94	1994/2025
Part III, section 93 and Part I of Schedule 9 (partially).	23. 8.94	1994/2151
Section 4 (partially), section 8 (partially), section 10 (partially), section 11 (partially), sections 14 to 16 (partially), section 22, section 25, section 31 (partially), section 32 (partially), section 33, section 39 (partially), section 42, section 43 and Schedule 4 (partially), section 44 and Schedule 5 (partially), section 45 (partially), section 93 and Part I of Schedule 9 (partially).	1.10.94	1994/2025

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 17 (partially), section 27 (partially), section 28 (partially).	1.11.94	1994/2025
Sections 69 to 71, section 74, section 78, section 79 (partially), sections 85 to 90, section 91(1) and Part I of Schedule 8 (partially), section 92, section 93 and Part II of Schedule 9 (partially).	1.11.94	1994/2594
Section 44 and Part I of Schedule 5 (partially), section 93 and Part I of Schedule 9 (partially).	31.12.94	1994/3262
Section 48 (partially), section 51 (partially), section 52(1), section 52(3) (partially), section 53(1), section 55(1) (partially), sections 56 to 58, section 59 (partially), section 62, section 63(1), (6), (7)(b) and (9)(b), section 93 and Part I of Schedule 9 (partially).	1. 1.95	1994/3075
Part I of Schedule 8 (partially).	3. 2.95	1995/42

The following provisions of the Act are to be brought into force after the date of the making of this Order by virtue of a commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 59	1. 4.95	1994/3075
Sections 1 to 12, sections 14 to 16, sections 20 and 21, sections 23 and 24, section 26, section 29, sections 30 and 31, section 39(2) and (3), section 40, sections 43 to 45, section 93 and Part I of Schedule 9 (partially), Schedules 1, 2 and 4, Parts I and II of Schedule 5 (partially).	1. 4.95	1994/3262
Section 51	1. 1.96	1994/3075