
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Police and Fire Reform (Scotland)
Act 2012 (Supplementary, Transitional,
Transitory and Saving Provisions) Order 2013**

PART 2

GENERAL PROVISIONS

Transitory: terminology

2.—(1) This article has effect until 1st April 2014.

(2) Where a document issued by, to or in relation to a constable of the Police Service, member of police staff or member of staff of the Authority refers, howsoever expressed, to—

- (a) a police force;
- (b) the Scottish Crime and Drug Enforcement Agency,

and would otherwise be valid, competent or without fault but for that reference, the document is to be construed as if it referred instead to the Police Service.

(3) Where a document issued by, to or in relation to a constable of the Police Service, member of police staff or member of staff of the Authority refers, howsoever expressed, to—

- (a) the Scottish Police Services Authority;
- (b) a police authority;
- (c) a joint police board,

and would otherwise be valid, competent or without fault but for that reference, the document is to be construed as if it referred instead to the Authority.

Transitional: protection of anything done or in process

3.—(1) The validity of anything done (or having effect as if done) before 1st April 2013 by or on behalf of, to or in relation to any office-holder, person or body mentioned in column 1 of the Table in paragraph (2) is not affected by the coming into force on that date of any provision of the 2012 Act or any subordinate legislation made thereunder or in consequence thereof.

(2) Subject to paragraphs (4) and (5), anything (including, for example, legal proceedings, investigations, applications or consultations) which, before 1st April 2013, is in the process of being done by or on behalf of, to or in relation to an office-holder, person or body mentioned in column 1 of the Table may be continued on and after that date by or on behalf of, to or in relation to an office-holder, person or body mentioned in the corresponding entry in column 2 of the Table.

<i>Column 1</i>	<i>Column 2</i>
a constable of a police force	a constable of the Police Service

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 No. 121

<i>Column 1</i>	<i>Column 2</i>
a chief constable of a police force	the chief constable of the Police Service
the Director General, Deputy Director General or a police member of the Scottish Crime and Drug Enforcement Agency	a constable of the Police Service
a person employed by a police authority or joint police board	a person employed by the Authority
a person employed by the Scottish Police Services Authority	a person employed by the Authority
a person employed by a relevant authority	a person employed by the Scottish Fire and Rescue Service
a police authority or joint police board	the Authority
the Scottish Police Services Authority	the Authority
a police force	the Police Service
a relevant authority	the Scottish Fire and Rescue Service

(3) Subject to paragraphs (4) and (5), anything done (or having effect as if done) (including, for example, warrants or authorisations) by or on behalf of, to or in relation to an office-holder, person or body mentioned in column 1 of the Table in paragraph (2) before 1st April 2013, has effect on and after that date as if done by or on behalf of, to or in relation to an office-holder, person or body mentioned in the corresponding entry in column 2 of that Table in so far as that is required for continuing its effect on or after that date; and, where appropriate, any such thing is, on and after that date, to have effect as if any reference therein to an office-holder, person or body mentioned in column 1 of the Table were a reference to the office-holder, person or body mentioned in the corresponding entry in column 2 of that Table.

(4) References to an office-holder or person in column 1 of the Table in paragraph (2) include references to an office-holder or person acting in a particular rank or capacity and, where necessary for the purpose of giving effect to paragraph (2) or (3), references to the corresponding office-holder or person in column 2 of the Table are references to the office-holder or person acting in a corresponding rank or capacity.

(5) Paragraphs (2) to (4) are subject to any express provision to the contrary made by this Order, the 2012 Act or any subordinate legislation made thereunder or in consequence thereof.

Supplementary: provision of information

4.—(1) The Authority must provide the Scottish Ministers with such reports, statistics or other information relating to a predecessor body or predecessor police force as they may reasonably require.

(2) Such information may, in particular, relate to—

- (a) a predecessor body or its functions;
- (b) a predecessor police force or its functions;
- (c) the state of crime before 1st April 2013.

(3) The chief constable must provide the Authority with such reports, statistics or other information relating to—

- (a) a predecessor police force or its functions;

(b) a predecessor body or its functions, to the extent the chief constable holds the statistics or other information in question;

(c) the state of crime before 1st April 2013,

as it may reasonably require.

(4) Subsections (4) and (5) of section 84 of the 2012 Act apply to a requirement made under paragraph (3) as they do to a requirement made under section 84(3) of that Act.

(5) Subsections (8) to (10) of section 84 of the 2012 Act apply to any requirement under this article as they do to any requirement under section 84 of that Act.

(6) In this article—

“predecessor body” means a police authority, a joint police board or the Scottish Police Services Authority;

“predecessor police force” means a police force or the Scottish Crime and Drug Enforcement Agency.

Supplementary: provision of information

5.—(1) The Scottish Fire and Rescue Service must provide the Scottish Ministers with such reports, statistics and other information relating to a relevant authority or its functions as the Scottish Ministers may require.

(2) Information provided under this article may in particular relate to the outcomes of fires, events and other situations in relation to which a relevant authority made provision or took action before 1st April 2013.