
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 3

JOINT BOARDS

Interpretation of Part 3

6. In this Part—

“accounting authority” means a local authority named in column 2 of Table 1 or Table 2 in the Schedule;

“constituent local authority” means a local authority named in column 3 of Table 1 or Table 2 in the Schedule;

“joint board” means a joint board named in column 1 of Table 1 or Table 2 in the Schedule;

“joint fire and rescue board” means a joint fire and rescue board established under the Fire (Scotland) Act 2005(1) and named in column 1 of Table 2 in the Schedule;

“joint police board” means a joint police board established under the 1967 Act named in column 1 of Table 1 in the Schedule; and

“the 1973 Act” means the Local Government (Scotland) Act 1973(2).

Closure of accounts etc.

7.—(1) In respect of each joint board, the accounting authority mentioned in column 2 of the Tables in the Schedule corresponding to that joint board and its officers must, in relation to the accounts and reports for any period ending before 1st April 2013, discharge—

(a) any functions under—

(i) sections 96 to 102, 103A to 103J and 118 of the 1973 Act(3);

(1) 2005 asp 5.

(2) 1973 c.65.

(3) Section 96 was amended by the Local Government (Scotland) Act 1975 (c.30), section 18; the Local Government etc. (Scotland) Act 1994 (c.39) (“the 1994 Act”), Schedule 4, paragraph 1; and the Public Finance and Accountability (Scotland) Act 2000 (asp 1) (“the 2000 Act”), schedule 4, paragraph 3(2). Section 97 was amended by the Local Government (Scotland) Act 1975 (c.30), Schedule 6, paragraph 48; the Local Government Act 1988 (c.9), section 35(2); the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 7, paragraph 3; the Social Security Administration (Fraud) Act 1997 (c.47) (“the 1997 Act”), section 7(2); the Health Act 1999 (c.8), Schedule 5, paragraph 1; the 2000 Act, schedule 4, paragraph 3(3); the Local Government in Scotland Act 2003 (asp 1) (“the 2003 Act”), section 53; and S.I. 1991/1997 and 2008/948. Sections 97A and 97B were inserted by the Local Government Act 1988 (c.9), section 35(3). Section 97A was amended by the 2000 Act, schedule 4, paragraph 3(4) and the 2003 Act, section 6. Section 97B was amended by the 2003 Act, section 54(1). Section 98 was amended by the 2000 Act, schedule 4, paragraph 3(5). Section 99 was amended by the 2003 Act, section 55. Section 100 was amended by the Criminal Procedure (Scotland) Act 1975 (c.21), sections 289F and 289G; the 1990 Act, Schedule 7, paragraph 7(3); the 1994 Act, Schedule 13, paragraph 92(25) and Schedule 14, paragraph

- (ii) the Local Authority Accounts (Scotland) Regulations 1985(4); and
 - (iii) sections 3 to 5, 12 and 13 of the Local Government in Scotland Act 2003(5),
- which would have fallen to be discharged on or after that date by that joint board or its officers; and
- (b) any such functions which fell to be discharged before that date but which have not been discharged.
- (2) As respects anything falling to be done on or after 1st April 2013 in relation to the accounts referred to in paragraph (1), the provisions referred to in that paragraph have effect as if those accounts were the accounts of the accounting authority, but—
- (a) the documents to which an auditor has the right of access under subsection (1) of section 100 of the 1973 Act(6) include any documents relating to the joint board in question which are in the possession of—
 - (i) any constituent local authority corresponding to that joint board;
 - (ii) where the joint board in question was a joint police board, the Scottish Police Authority;
 - (iii) where the joint board in question was a joint fire and rescue board, the Scottish Fire and Rescue Service;
 - (b) the persons who may be required to give information under that subsection include any person who was an officer of the joint board in question, or an officer of a corresponding constituent local authority with knowledge of the joint board's functions, at any time during the period to which the accounts relate; and
 - (c) the references in subsection (3) of section 101 of the 1973 Act to any officer include any person who was an officer of the joint board in question, or an officer of a corresponding constituent local authority with knowledge of the joint board's functions, at any time during the period to which the accounts relate.

Access to documents and information

- 8.—(1) An accounting authority—
- (a) has a right of access at all reasonable times to all documents which—
 - (i) are in the possession, or under the control of—
 - (aa) where the joint board in question was a joint police board, the Scottish Police Authority or the chief constable of the Police Service of Scotland;
 - (bb) where the joint board in question was a joint fire and rescue board, the Scottish Fire and Rescue Service;
 - (cc) any constituent local authority corresponding to that joint board; and
 - (ii) appear to the accounting authority to be needed for the purpose of discharging its functions conferred under article 7; and

1; the 2000 Act, schedule 4, paragraph 3(7); and the 2003 Act, section 54(2). Section 101 was amended by the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31), section 10(1) and the 2000 Act, schedule 4, paragraph 3(8). Section 101A was inserted by the 1997 Act, section 7(3). Section 102 was amended by the Local Government and Housing Act 1989 (c.42), section 185(b); the 1994 Act, Schedule 13, paragraph 92(26); the 2000 Act, schedule 4, paragraph 3(9)(b); the Ethical Standards in Public Life (Scotland) Act 2000 (asp 7), section 33(1); the 2003 Act, section 56; and the Public Services Reform (Scotland) Act 2010 (asp 8), section 129. Sections 103A to 103J were inserted by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7), section 33(3). Section 118 was amended by the 1994 Act, Schedule 14, paragraph 1 and the Transport (Scotland) Act 2005 (asp 12), schedule 1, paragraph 15(3).

(4) S.I. 1985/267. As amended by S.S.I. 2011/64.

(5) 2003 asp 1.

(6) 1973 c.65. As amended by the Public Finance and Accountability (Scotland) Act 2000 (asp 1), schedule 4, paragraph 3(7)(a).

- (b) may require any person mentioned in article 7(2)(b) or any person who has been an officer or member of the joint board to give to the accounting authority any such information as they think necessary for the purpose mentioned in paragraph (1)(a)(ii).

(2) It is the duty—

- (a) where the joint board in question was a joint police board, of the Scottish Police Authority and the chief constable;
- (b) where the joint board in question was a joint fire and rescue board, of the Scottish Fire and Rescue Service; and
- (c) of every constituent local authority corresponding to a joint board,

to co-operate with and provide such assistance on or after 1st April 2013 as may be reasonably required of them by the corresponding accounting authority to enable the accounts of the joint board to be closed.

Claims

9.—(1) In respect of each joint board, the accounting authority mentioned in column 2 of the Tables in the Schedule corresponding to that joint board is, in relation to any period ending before 1st April 2013, entitled to make any claim and receive any sums which would have fallen to be made and received by the joint board after that date.

(2) Where an accounting authority receives any such sums it must transfer them—

- (a) where the joint board in question was a joint police board, to the Scottish Police Authority; or
- (b) where the joint board in question was a joint fire and rescue board, to the Scottish Fire and Rescue Service.

Abstract accounts and certified abstract accounts

10.—(1) At the same time as the officer of the accounting authority submits copies of the abstract account to the accounting authority in accordance with regulation 4(1) of the Local Authority Accounts (Scotland) Regulations 1985 (as applied by article 7(1)(a)(ii)), the officer must send a copy of it—

- (a) where the joint board in question was a joint police board, to the Scottish Police Authority and each constituent local authority corresponding to the joint board in question; and
- (b) where the joint board in question was a joint fire and rescue board, to the Scottish Fire and Rescue Service and each constituent local authority corresponding to the joint board in question.

(2) At the same time as the accounting authority causes each certified abstract of account and each report received under section 102(1) of the 1973 Act(7) to be laid before a meeting of the accounting authority in accordance with regulation 6(1) of the Regulations mentioned in paragraph (1), the accounting authority must send a copy of each certified abstract of account and report—

- (a) in relation to a joint police board, to the Scottish Police Authority and each constituent local authority corresponding to the joint board in question; and
- (b) in relation to a joint fire and rescue board, to the Scottish Fire and Rescue Service and each constituent local authority corresponding to the joint board in question.

(7) 1973 c.65. As amended by the Local Government in Scotland Act 2003 (asp 1), section 56.