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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 576**

**POLICE**

**The Scottish Police Services Authority  
(Staff Transfer) (No. 2) Order 2007**

*Made - - - - 20th December 2007  
Laid before the Scottish  
Parliament - - - - 21st December 2007  
Coming into force in accordance with article 1(2) and  
(3)*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 103(2) and paragraph 2 of schedule 3 to the Police, Public Order and Criminal Justice (Scotland) Act 2006<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with paragraph 3(1) of schedule 3 to that Act, the Scottish Ministers have consulted the Scottish Police Services Authority.

**Citation and commencement**

1.—(1) This Order may be cited as the Scottish Police Services Authority (Staff Transfer) (No. 2) Order 2007.

(2) Subject to paragraph (3), this Order comes into force on 1st April 2008.

(3) The following provisions come into force on 1st March 2008—

- (a) the definition of “maintaining authority” in article 2; and
- (b) article 4.

**Interpretation**

2. In this Order—

“the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006; and

“maintaining authority” has the meaning given by paragraph 2(5) of schedule 3 to the 2006 Act.

**Transfer of staff**

3.—(1) This article applies to constables and other persons who—

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(1) 2006 asp 10.

- (a) immediately prior to the transfer day are engaged wholly or mainly in the provision of the police support services which, on and after the transfer day, will be provided by the Scottish Police Services Authority under section 3(2)(g)(2) of the 2006 Act; and
  - (b) have not previously transferred to the Scottish Police Services Authority by virtue of the Scottish Police Services Authority (Staff Transfer) Order 2007(3).
- (2) On the transfer day—
- (a) persons employed, by virtue of section 9 of the 1967 Act (employees other than constables), by police authorities or joint police boards shall transfer from any such authority or board to the Scottish Police Services Authority; and
  - (b) constables shall transfer from police forces to relevant service.
- (3) In this article, “the police support services” means the police support services specified in section 3(2)(g) of the 2006 Act.
- (4) Any person transferring under paragraph 2(a) shall, on and after the transfer day, be deemed to have been appointed as a member of staff of the Scottish Police Services Authority.
- (5) Any constable transferring under paragraph (2)(b) shall, on and after the transfer day, be deemed to have been seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the 2006 Act.

#### **Staff Transfer Schemes**

- 4.—(1) Each police authority and joint police board must make a scheme in relation to the transfer of staff under article 3(2)(a).
- (2) The maintaining authority for the police force concerned must make a scheme in relation to the transfer of staff under article 3(2)(b).
- (3) A scheme under paragraph (1) or (2) must be made no later than 21st March 2008 and contain such information as is sufficient to identify (whether by name or pay reference number) the constables or other persons to whom the scheme applies.

St Andrew’s House,  
Edinburgh  
20th December 2007

*KENNY MACASKILL*  
A member of the Scottish Executive

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(2) Section 3(2)(g) of the 2006 Act was inserted by the Scottish Police Services Authority (Police Support Services) (Modification) Order 2007 (S.S.I. 2007/563).

(3) S.S.I. 2007/88.

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## EXPLANATORY NOTE

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

This Order makes provision in relation to the transfer of staff to the Scottish Police Services Authority (“the Authority”) which is established under the Police, Public Order and Criminal Justice (Scotland) Act 2006.

Article 3 specifies the constables and other persons who will transfer to the Authority on the transfer day (1st April 2008). The constables and other persons who will transfer are those who immediately prior to the transfer day, are engaged wholly or mainly in providing the police support services defined in article 3(3) and who have not previously transferred to the Authority by virtue of the Scottish Police Services Authority (Staff Transfer) Order 2007 (SSI2007/88).

Article 4 places a duty on police authorities and joint police boards to make staff transfer schemes in relation to constables or other persons who are to transfer to the Authority under article 3(2)(a) and (b). Any scheme made under article 4 must be made no later than 21st March 2008 and must identify those constables or other persons who are to transfer to the Authority.