

2007 No. 88

POLICE

**The Scottish Police Services Authority (Staff Transfer)
Order 2007**

Made - - - - - *19th February 2007*

Laid before the Scottish Parliament *20th February 2007*

Coming into force in accordance with article 1(2) and (3)

The Scottish Ministers, 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^(a), and all other powers enabling them in that behalf, after consulting the Scottish Police Services Authority and the Director General of the Scottish Crime and Drug Enforcement Agency in accordance with the requirements of paragraph 3(1) of schedule 3 to that Act, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Scottish Police Services Authority (Staff Transfer) Order 2007.

(2) Subject to paragraph (3), this Order shall come into force on 1st April 2007.

(3) The following provisions shall come into force on 23rd February 2007—

- (a) the definition of “maintaining authority” in article 2; and
- (b) article 5.

Interpretation

2. In this Order—

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

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

“the Scottish Drug Enforcement Agency” means the organisation known by that name and established under section 36(1)(a)(ii) of the 1967 Act^(b).

Transfer of staff

3.—(1) This article applies to constables and other persons who, immediately prior to the transfer day—

- (a) are engaged wholly or mainly in the provision of any of the police support services which, on and after the transfer day, will be provided by the Scottish Police Services Authority under section 3(1) of the 2006 Act; or

^(a) 2006 asp 10.
^(b) 1967 c.77.

(b) are seconded to the Scottish Drug Enforcement Agency.

(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;

(b) constables shall transfer from police forces to relevant service; and

(c) constables shall transfer from central service within the meaning of section 38(5) of the 1967 Act to relevant service.

(3) In this article, “the police support services” means the police support services specified in section 3(2)(a), (b), (c), (e) and (f) of the 2006 Act.

(4) (a) 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.

(b) Any constable transferring under paragraph 2(b) or (c) 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.

Members of the Agency

4.—(1) Any person transferring under article 3(2)(a) who, immediately prior to the transfer day, is seconded to the Scottish Drug Enforcement Agency shall, on the transfer day, become a member of the Scottish Crime and Drug Enforcement Agency, and shall be deemed to be a support staff member of that Agency appointed in accordance with paragraph 8(1) of schedule 2 to the 2006 Act and for the purposes of paragraph 8(2) of that schedule be deemed to have been appointed by virtue of paragraph 10(1) of schedule 1 to the 2006 Act.

(2) Any constable transferring under article 3(2)(b) or (c) who, immediately prior to the transfer day, is seconded to the Scottish Drug Enforcement Agency shall, on the transfer day become a member of the Scottish Crime and Drug Enforcement Agency and shall be deemed to be a police member of that Agency appointed in accordance with paragraph 7 of schedule 2 to the 2006 Act.

Staff Transfer Schemes

5.—(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 23rd March 2007 and contain such information as is sufficient to identify (whether by name or pay reference number)—

(a) the constables or other persons to whom the scheme applies; and

(b) in addition, if applicable, the constables and other persons who are to become members of the Scottish Crime and Drug Enforcement Agency by virtue of article 4.

CATHY JAMIESON

A member of the Scottish Executive

St Andrew's House,
Edinburgh
19th February 2007

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 2007). 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), or are seconded to the Scottish Drug Enforcement Agency.

Article 4 makes provision in respect of those constables and persons who on transferring to the Authority will also become members of the Scottish Crime and Drug Enforcement Agency (“the Agency”). Any constable or other person who immediately prior to the transfer day is seconded to the Scottish Drug Enforcement Agency will become a member of the Agency.

Article 5 places a duty on police authorities and joint 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). (Paragraph 2(6) of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 places a duty on Scottish Ministers to make a scheme in relation to those who transfer under article 3(2)(c)). Any scheme made under article 5 must be made no later than 23rd March 2007 and must identify those constables or other persons who are to transfer to the Authority and, if appropriate, those who will become members of the Agency.

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