

EXECUTIVE NOTE

The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Modifications) Order 2007 SSI/2007/89

The above instrument is made in exercise of the powers conferred by sections 102(1) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of this instrument is to amend the Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 (SSI 2004/519) and the Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders)(Scotland) Order 2006(SSI 2006/170) to include references to the Scottish Crime and Drug Enforcement Agency (“SCDEA”) established under the 2006 Act

The Road User Charging (Exemption from Charges) (Scotland) Regulations 2004

1. The Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 set out those vehicles that are to be exempt from any charges imposed by a charging scheme made under section 49 of the Transport (Scotland) Act 2001. A charging scheme is defined as a local authority scheme for imposing charges on the use or keeping of motor vehicles on specified local (but not trunk) roads. Paragraph 2 of the Schedule to the Regulations exempts any vehicle belonging to, and being used for the purposes of a police force for a police area within the meaning of section 1(2) of the Police (Scotland) Act 1967, and other vehicles being used by a police officer in the execution of that officer’s duty.

2. This Order adds members of the SCDEA to paragraph 2 of the Schedule to the Regulations and will ensure that vehicles used by the SCDEA are also exempt from the charges imposed..

The Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders)(Scotland) Order 2006.

3. The Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders)(Scotland) Order 2006 specifies those persons from whom a court can select to receive reports from persons who are the subject of a financial reporting order. The Order currently includes the Director of the SDEA as one of the persons a court can select.

4. This Order omits the references to the Director of the SDEA and replaces it with a reference to the Director General of the SCDEA

Consultation

There is no statutory requirement to consult on orders made under section 102(1) of the Police, Public Order and Criminal Justice (Scotland) Act 2007. In the course of drafting this Order we have however consulted with the Scottish Crime and Drug Enforcement Agency.

Financial Effects

The instrument has no financial effect on the Scottish Executive, local government or on business.

Scottish Executive – Justice Department
February 2007