

EXECUTIVE NOTE

The Scottish Crime and Drug Enforcement Agency (Appointment of Police Members) Regulations 2007 SSI/2007/90

The above instrument is made in exercise of the powers conferred by sections 23(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 make regulations prescribing the qualifications required for appointment as a directly recruited police member of the Scottish Crime and Drug Enforcement Agency (“the Agency”).

Section 23 Regulations relating to the Agency

1. Under the Act the Agency will be able for the first time to directly recruit their own police members who will have all the powers and privileges of a police constable in Scotland. It is our policy for reasons of consistency and standardisation that these police members will be subject to the same pay, pension, conduct, efficiency, promotion and other terms and conditions of appointment as police constables within the 8 Scottish police forces.

2. Paragraph 7 of schedule 2 to the 2006 Act sets out the conditions attached to Scottish Police Services Authority appointments of police members of the Agency, and provides that they may only be directly appointed (rather than seconded) if they have the qualifications for appointment as a constable specified in regulations made under section 23 of the Act.

3. These regulations therefore set out the qualifications relating to nationality and status requirements, references, minimum age, physical and mental fitness, eyesight standards, literacy and numerical skills, promotion qualification requirements and past history disclosure which are required for appointment.

6. These regulations are consistent with what is already in place for constables of Scottish police forces as provided for at regulation 9 of the Police (Scotland) Regulations 2004 (SSI 2004/.257).

Consultation

Section 23(10) of the 2006 Act places a requirement on Scottish Ministers to submit a draft of the Regulations to the Police Advisory Board for Scotland and to consider any representations they may make. That consultation has taken place and [no] representations were made.

Financial Effects

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

Scottish Executive – Justice Department
February 2007