
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the following provisions of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”) on 1st October 2012: sections 5; 11(1) to (4); 15(1) (3) and (4); 17(2)(c) and (2)(d); 24(1), (2)(a), (3) to (5); 26; 27; 32; 33; 34(1) to (7); 35; 36; 41; 42(1)(b) and (2) to (7); 43; 48 to 55; 56(3); 64; 66; 87; 98(1) to (3) and (5); 114; 118; 121; 122(1) and (2); 128(1); schedules 3, 5 and 6; paragraphs 61, 62, 63(b), 65, 68(15) and (16) and 72(1), (2) and (3)(b) of schedule 7.

Article 2 appoints 1st October 2012 as the day for the coming into force of the provisions mentioned in the Schedule to the Order. Some are partially commenced for restricted purposes only.

Article 3 makes transitional provision so that the first annual police plan is made in respect of the year from April 2013, removing the obligation to have a police plan in respect of the part-year period from commencement of this Order to 1st April 2013.

Article 4 makes transitory provision for the period between coming into force of this Order and the commencement of the provisions of the 2012 Act about inspectors of constabulary. It provides that the obligation on the Scottish Police Authority to send a copy of the draft strategic police plan to the inspectors of constabulary is to those inspectors as they exist under the current law.

Article 5 makes transitory provision for the period between the coming into force of this Order and the establishment of the Police Service of Scotland by the commencement of section 6 of the 2012 Act. It modifies section 42(4) of the 2012 Act in respect of that period, so that any examinations by the Auditor General of the best value arrangements being made by the chief constable cannot question the chief constable’s policy objectives but can examine the criteria used to assess the use of resources the chief constable expects will be available for use by the Police Service.

Article 6 makes transitory provision for the period between coming into force of this Order and the commencement of the amendments to the Police, Public Order and Criminal Justice (Scotland) Act 2006. Those amendments contain definitions and until they are commenced definitional provision is necessary to allow the new section 41D of that Act (which is commenced by this Order) to operate.

Article 7 makes a transitory saving provision for the period between coming into force of this Order and the commencement of the repeal of section 42 of the Fire (Scotland) Act 2005. The effect of the provision is to save the current fire framework document provisions so that they continue to apply until the current fire and rescue authorities are abolished. The commencement of the amendments in paragraph 68(15) and (16) of schedule 7 to the 2012 Act have the effect of creating new fire framework document provisions applying to the SFRS. The two sets of fire framework document provisions will operate until the current fire and rescue authorities are abolished (which is intended to be at the same point the repeal of section 42 of the Fire (Scotland) Act 2005 is commenced).

Article 8 makes transitory provision for the period between coming into force of this Order and the commencement of amendments to the Fire (Scotland) Act 2005 which insert definitional provision into that Act. The provision ensures that references to the framework document are defined and they refer to the framework document made in relation to the SFRS rather than the current fire and rescue authorities.

The Bill for the 2012 Act received Royal Assent on 7th August 2012. Section 129(1) of the 2012 Act brought into force sections 1 (and schedule 1), 2(1)(c), (2) and (3), 4, 7, 37, 38, 40(1), (3) and (4), 84(1), (2)(a) and (10), 88, 89, 98(4) (and schedule 4), 99, 101(1) (but only for the purpose of inserting section 1A(1) and (3) into the Fire (Scotland) Act 2005) and (2), 113, 117, 122(3) and (4) and 123 and Part 3 (other than section 128) on the day after Royal Assent.