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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 122**

**POLICE**

**The Police Service of Scotland (Amendment) Regulations 2013**

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| <i>Made</i>                                | - - - - | <i>2nd April 2013</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>4th April 2013</i> |
| <i>Coming into force</i>                   | - -     | <i>13th May 2013</i>  |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 48 of the Police and Fire Reform (Scotland) Act 2012(1) and section 82(4) of the Police Reform Act 2002(2) and all other powers enabling them to do so.

In accordance with section 54(2) of the Police and Fire Reform (Scotland) Act 2012, they have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) of that Act and have considered any representations made.

**Citation and commencement**

1. These Regulations may be cited as the Police Service of Scotland (Amendment) Regulations 2013 and come into force on 13th May 2013.

**Amendment of the Police Service of Scotland Regulations 2013**

2.—(1) The Police Service of Scotland Regulations 2013(3) are amended as follows.

(2) In regulation 2(1) after the definition of “Conduct Regulations” insert—

““EEA State” means—

- (a) a State which is a member State of the EU; or
- (b) any other State which is a party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;”.

(3) In regulation 6(1)—

- (a) in sub-paragraph (g) omit “and”;
- (b) in sub-paragraph (h) at the end insert “; and”; and

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(1) 2012 asp 8.

(2) 2002 c.30. Section 82(4) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 185(5).

(3) S.S.I. 2013/35.

(c) after sub-paragraph (h) insert—

“(i) if not a national of an EEA State, have leave to enter or remain in the United Kingdom for an indefinite period.”.

### **Amendment of the Police Service of Scotland (Special Constables) Regulations 2013**

**3.—**(1) The Police Service of Scotland (Special Constables) Regulations 2013<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1) after the definition of “the deputy chief constable” insert—

““EEA State” means—

- (a) a State which is a member State of the EU; or
- (b) any other State which is a party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993;”.

(3) In regulation 5(1)—

(a) in sub-paragraph (g) at the end insert “; and”; and

(b) after sub-paragraph (g) insert—

“(h) if not a national of an EEA State, have leave to enter or remain in the United Kingdom for an indefinite period.”.

St Andrew’s House,  
Edinburgh  
2nd April 2013

*KENNY MACASKILL*  
A member of the Scottish Government

## EXPLANATORY NOTE

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

These Regulations amend the Police Service of Scotland Regulations 2013 (“the Police Service Regulations”) and the Police Service of Scotland (Special Constables) Regulations 2013 (“the Special Constables Regulations”).

Regulation 2 inserts a new definition, of EEA State, into regulation 2(1) of the Police Service Regulations and amends regulation 6(1) to insert a new requirement for candidates for appointment to the Police Service of Scotland to meet. That requirement is that, if not a national of an EEA State, the candidate must have leave to enter or remain in the United Kingdom for an indefinite period.

Regulation 3 amends the Special Constables Regulations and makes similar provision to that in relation to the Police Service Regulations.

These provisions could not be included in the Police Service Regulations or the Special Constables Regulations until the point at which power to do so was provided by the coming into force of amendments made to section 82 of the Police Reform Act 2002 by the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.