
DRAFT STATUTORY INSTRUMENTS

2013 No.

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
FIRE AND RESCUE SERVICES
POLICE**

The Police and Fire Reform (Scotland) Act 2012
(Consequential Provisions and Modifications) Order 2013

Made - - - - - *2013*
Coming into force *1st April 2013*

**THE POLICE AND FIRE REFORM (SCOTLAND)
ACT 2012 (CONSEQUENTIAL PROVISIONS
AND MODIFICATIONS) ORDER 2013**

PART 1

PRELIMINARY

1. Citation, commencement and extent
2. Interpretation

PART 2

POLICE

3. Agreements to investigate serious incidents
4. Investigation of crimes and deaths
5. Assistance by British Transport Police Force to Police Service of Scotland
6. Assistance by Police Service of Scotland to British Transport Police Force
7. Liability for unlawful conduct of member of Ministry of Defence Police
8. Collaboration agreements
9. 1 Causing disaffection
10. 1 Offences: extension for other police forces
11. 2 Grants for safeguarding national security
12. Independent custody visiting
13. Provision of goods and services

14. 2Pensions: special constables and police cadets

PART 3

FIRE AND RESCUE SERVICES

15. Provision of cross-border assistance by SFRS
16. Cross-border delegation of functions to SFRS
17. Powers of SFRS employee in England and Wales
18. Powers of SFRS employee in Northern Ireland
19. Provision of cross-border assistance to SFRS
20. Cross-border delegation of functions by SFRS
21. Powers of 2004 Act authority employee in Scotland
22. Powers of Northern Ireland Board employee in Scotland
23. Arrangements under articles 15, 16, 19 and 20: terms
24. Offences

PART 4

CONSEQUENTIAL AND TRANSITIONAL PROVISION

25. Extension of modifications of enactments made by 2012 Act
 26. Modifications of enactments
 27. Transitional and savings provision
- Signature

SCHEDULE 1 — EXTENSION OF MODIFICATIONS OF ENACTMENTS MADE
BY 2012 ACT

Pensions (Increase) Act 1971

1. In paragraph 44 of Schedule 2 to the Pensions (Increase)...

Health and Safety at Work etc. Act 1974

2. In section 51A of the Health and Safety at Work...

Road Traffic Regulation Act 1984

3. In section 87(1) of the Road Traffic Regulation Act 1984...

Criminal Justice and Public Order Act 1994

4. (1) The Criminal Justice and Public Order Act 1994 is...

Police Act 1996

5. (1) The Police Act 1996 is amended as follows.

Police Act 1997

6. (1) The Police Act 1997 is amended as follows.

Fire and Rescue Services Act 2004

7. (1) The Fire and Rescue Services Act 2004 is amended...

Gambling Act 2005

8. In section 157 of the Gambling Act 2005 (responsible authorities...

Corporate Manslaughter and Corporate Homicide Act 2007

9. In section 6(2) of the Corporate Manslaughter and Corporate Homicide...

SCHEDULE 2 —

PART 1 — MODIFICATIONS OF PUBLIC GENERAL ACTS

Light Railways Act 1896

1. In section 26(5) of the Light Railways Act 1896 (application...

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

2. In Part 1 of Schedule 2 to the Reserve and...

Superannuation (Miscellaneous Provisions) Act 1967

3. In section 13 of the Superannuation (Miscellaneous Provisions) Act 1967...

Police (Scotland) Act 1967

4. In the Police (Scotland) Act 1967 omit—

Firearms Act 1968

5. (1) The Firearms Act 1968 is modified as follows.

Employers' Liability (Compulsory Insurance) Act 1969

6. In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act...

Pensions (Increase) Act 1971

7. (1) Schedule 2 to the Pensions (Increase) Act 1971 (official...

Superannuation Act 1972

8. (1) The Superannuation Act 1972 is modified as follows.

Overseas Pensions Act 1973

9. In section 2 of the Overseas Pensions Act 1973 (superannuation...

House of Commons Disqualification Act 1975

10. (1) The House of Commons Disqualification Act 1975 is modified...

Northern Ireland Assembly Disqualification Act 1975

11. In section 1(2) of the Northern Ireland Assembly Disqualification Act...

Police Pensions Act 1976

12. (1) The Police Pensions Act 1976 is modified as follows....

Bail Act 1976

13. In section 8(6) of the Bail Act 1976 (bail with...

Criminal Law Act 1977

14. In section 38A(2) of the Criminal Law Act 1977 (execution...

Interpretation Act 1978

15. (1) The Interpretation Act 1978 is modified as follows.

Finance Act 1981

16. In section 107(3)(k) of the Finance Act 1981 (sale of...

Civil Aviation Act 1982

17. In section 57(4) of the Civil Aviation Act 1982 (power...

Aviation Security Act 1982

18. (1) The Aviation Security Act 1982 is modified as follows....

Police and Criminal Evidence Act 1984

19. In section 63A(1B) of the Police and Criminal Evidence Act...

Ministry of Defence Police Act 1987

20. (1) The Ministry of Defence Police Act 1987 is modified...

Firearms (Amendment) Act 1988

21. In section 18B(2) of the Firearms (Amendment) Act 1988 (permitted...

Road Traffic Act 1988

22. (1) The Road Traffic Act 1988 is modified as follows....

Road Traffic Offenders Act 1988

23. In section 89(1) of the Road Traffic Offenders Act 1988...

Road Traffic Act 1991

24. In paragraphs 1(6) and 2(6) of Schedule 3 to the...

Police Act 1996

25. (1) The Police Act 1996 is modified as follows.

Firearms (Amendment) Act 1997

26. In section 35A(2) of the Firearms (Amendment) Act 1997 (permitted...

The Police (Health and Safety) Act 1997

27. In section 5(3) of the Police (Health and Safety) Act...

Data Protection Act 1998

28. In section 56(6) of the Data Protection Act 1998 (prohibition...

Police (Northern Ireland) Act 1998

29. (1) The Police (Northern Ireland) Act 1998 is modified as...

Crime and Disorder Act 1998

30. In section 115(2) of the Crime and Disorder Act 1998...

Immigration and Asylum Act 1999

31. In section 20(4) of the Immigration and Asylum Act 1999...

Terrorism Act 2000

32. (1) The Terrorism Act 2000 is modified as follows.

Regulation of Investigatory Powers Act 2000

33. (1) The 2000 Act) is modified as follows.

Political Parties, Elections and Referendums Act 2000

34. In paragraph 28(1)(d) of Schedule 19C to the Political Parties,...

Criminal Justice and Court Services Act 2000

35. In section 71 of the Criminal Justice and Court Services...

Vehicles Crime Act 2001

36. In section 18(9) of the Vehicles Crime Act 2001 (register...

Anti-terrorism, Crime and Security Act 2001

37. (1) The Anti-terrorism, Crime and Security Act 2001 is modified...

Justice (Northern Ireland) Act 2002

38. In section 5A(5) of the Justice (Northern Ireland) Act 2002...

Police Reform Act 2002

39. (1) The Police Reform Act 2002 is modified as follows....

Finance Act 2003

40. In paragraph 1(3) of Schedule 9 to the Finance Act...

Railways and Transport Safety Act 2003

41. (1) The Railways and Transport Safety Act 2003 is modified...

Crime (International Co-operation) Act 2003

42. (1) The Crime (International Co-operation) Act 2003 is modified as...

Sexual Offences Act 2003

43. In sections 94(3)(a) (Part 2: supply of information to Secretary...

Energy Act 2004

44. (1) The Energy Act 2004 is modified as follows.

Constitutional Reform Act 2005

45. In section 107(5) of the Constitutional Reform Act 2005 (disclosure...

Commissioner for Revenue and Customs Act 2005

46. In section 27 of the Commissioner for Revenue and Customs...

Fire (Scotland) Act 2005

47. In section 16A(1) of the Fire (Scotland) Act 2005 (exercise...

Serious Organised Crime and Police Act 2005

48. (1) The Serious Organised Crime and Police Act 2005 is...

Gambling Act 2005

49. (1) The Gambling Act 2005 is modified as follows.

Immigration, Asylum and Nationality Act 2006

50. (1) The Immigration, Asylum and Nationality Act 2006 is modified...

Health Act 2006

51. (1) The Health Act 2006 is modified as follows.

Wireless Telegraphy Act 2006

52. After section 107(4) of the Wireless Telegraphy Act 2006 (proceedings...

Safeguarding Vulnerable Groups Act 2006

53. In section 50A(3)(b) of the Safeguarding Vulnerable Groups Act 2006...

Police and Justice Act 2006

54. (1) The Police and Justice Act 2006 is modified as...

Road Safety Act 2006

55. In section 49A(3)(f) of the Road Safety Act 2006 (disclosure...

Armed Forces Act 2006

56. In section 375(2) of the Armed Forces Act 2006 (definitions...

Corporate Manslaughter and Corporate Homicide Act 2007

57. (1) The Corporate Manslaughter and Corporate Homicide Act 2007 is...

Legal Services Act 2007

58. In section 169(5) of the Legal Services Act 2007 (disclosure...

Regulatory Enforcement and Sanctions Act 2008

59. In section 37(3)(d) of the Regulatory Enforcement and Sanctions Act...

Counter-Terrorism Act 2008

60. (1) The Counter-Terrorism Act 2008 is modified as follows.

Borders, Citizenship and Immigration Act 2009

61. In section 29 of the Borders, Citizenship and Immigration Act...

Marine and Coastal Access Act 2009

62. (1) The Marine and Coastal Access Act 2009 is modified...

Equality Act 2010

63. (1) The Equality Act 2010 is modified as follows.

Terrorism Prevention and Investigation Measures Act 2011

64. (1) The Terrorism Prevention and Investigation Measures Act 2011 is...
PART 2 — MODIFICATION OF ACT OF THE SCOTTISH PARLIAMENT

Police and Fire Reform (Scotland) Act 2012

65. In Part 1 of schedule 7 to the Police and...
PART 3 — MODIFICATIONS OF SUBORDINATE LEGISLATION

*Social Security (Employed Earners' Employments
for Industrial Injuries Purposes) Regulations 1975*

66. (1) The Social Security (Employed Earners' Employment for Industrial
Injuries...

Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

67. (1) In regulation 12(1)(c) of the Town and Country Planning...

Road Vehicles (Construction and Use) Regulations 1986

68. In paragraph 1(c)(i) of Schedule 12 to the Road Vehicles...

Income Support (General) Regulations 1987

69. In paragraph 7(1)(ab) of Schedule 8 to the Income Support...

The Police and Criminal Evidence (Northern Ireland) Order 1989

70. In Article 63A(1B) of Police and Criminal Evidence (Northern Ireland)...

Official Secrets Act 1989 (Prescription) Order 1990

71. (1) The Official Secrets Act 1989 (Prescription) Order 1990 is...

Child Support (Maintenance Assessments and Special Cases) Regulations 1992

72. In paragraph 1(1)(i)(iib) of Part 1 of Schedule 1 to...

Goods Vehicles (Licensing of Operators) Regulations 1995

73. In paragraph 6 of Part 1 of Schedule 3 to...

Jobseeker's Allowance Regulations 1996

74. (1) The Jobseeker's Allowance Regulations 1996 are modified as follows....

Social Security Benefit (Computation of Earnings) Regulations 1996

75. In paragraph 9(ab) of Schedule 1 to the Social Security...

Health and Safety (Enforcing Authority) Regulations 1998

76. In regulation 4(3)(e) of the Health and Safety (Enforcing Authority)...

Scotland Act 1998 (Concurrent Functions) Order 1999

77. (1) Schedule 2 to the Scotland Act 1998 (Concurrent Functions)...

Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

78. (1) The Scotland Act 1998 (Transfer of Functions to the...

Motor Vehicles (Driving Licences) Regulations 1999

79. In regulation 23(9) of the Motor Vehicles (Driving Licences) Regulations...

Child Support (Maintenance Calculations and Special Cases) Regulations 2001

80. In paragraph 4(2)(g)(iib) of the Schedule to the Child Support...

Representation of the People (Scotland) Regulations 2001

81. In regulation 31J(4)(b) of the Representation of the People (Scotland)...

State Pension Credit Regulations 2002

82. In paragraph 2(2)(ab) of Schedule 6 to the State Pension...

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003

83. In paragraph 1(2)(b) of Schedule 1 to the Scotland Act...

Revenue and Customs (Inspections) Regulations 2005

84. (1) In regulation 10(2) of the Revenue and Customs (Inspections)...

Housing Benefit Regulations 2006

85. In paragraph 8(1)(b) of Schedule 4 to the Housing Benefits...

*Housing Benefit (Persons who have attained the
qualifying age for state pension credit) Regulations 2006*

86. In paragraph 3(2)(b) of Schedule 4 to the Housing Benefit...

Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

87. In regulation 2(1) of the Vehicle Drivers (Certificates of Professional...

*Police, Public Order and Criminal Justice (Scotland) Act 2006
(Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)*

88. (1) The Police, Public Order and Criminal Justice (Scotland) Act...

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007

89. Omit paragraph 1(2)(b)(i) of Schedule 1 to the Scotland Act...

The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008

90. (1) The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008...

Employment and Support Allowance Regulations 2008

91. In regulation 43(1)(e)(iii) of the Employment and Support Allowance Regulations...

The Police Act 1997 (Criminal Records) Regulations 2009

92. In regulation 2 of the Police Act 1997 (Criminal Records)...

Road Vehicles (Approval) Regulations 2009

93. In regulation 5(8) of the Road Vehicles (Approval) Regulations 2009...

*The Police Act 1997 (Criminal Records) (Disclosure)
(Amendment) Regulations (Northern Ireland) 2009*

94. In regulation 2 of the Police Act 1997 (Criminal Records)...

The Ministry of Defence Police (Conduct) Regulations 2009

95. (1) The Ministry of Defence Police (Conduct) Regulations 2009 are...

The Ministry of Defence Police Appeals Tribunals Regulations 2009

96. (1) The Ministry of Defence Police Appeals Tribunals Regulations 2009...

Regulation of Investigatory Powers (Communications Data) Order 2010

97. (1) The Regulation of Investigatory Powers (Communications Data) Order 2010...

*Regulation of Investigatory Powers (Directed Surveillance
and Covert Human Intelligence Sources) Order 2010*

98. Part 1 of Schedule 1 to the Regulation of Investigatory...

The Pyrotechnic Articles (Safety) Regulations 2010

99. (1) The Pyrotechnic Articles (Safety) Regulations 2010 are modified as...

The Ministry of Defence Police (Performance) Regulations 2012

100. In regulation 4 of the Ministry of Defence Police (Performance)...

SCHEDULE 3 — TRANSITIONAL AND SAVINGS PROVISIONS

1. Transitional provisions: firearms
2. Savings provision: data protection
3. Transitional provisions: regulation of investigatory powers
4. Transitional provision: agreements with Police Complaints Commissioner for Scotland
5. Transitional provision: officers engaged on service outwith their force
6. Transitional provisions: declarations
7. A constable or special constable of the British Transport Police...
8. Transitional provision: bail
9. Transitional provisions: armed forces
10. Pensions: savings
11. Transitional and saving provision: transfer of functions
12. Transitional provisions: criminal offences
13. Transitional provisions: arrangements with Ministry of Defence Police
14. Transitional provisions: arrangements with British Transport Police Force
15. Where a constable of the British Transport Police Force is,...
16. (1) Sub-paragraph (2) applies to any agreement—
17. Transitional provision: arrangements with Civil Nuclear Constabulary
18. Transitional provisions: arrangements with police forces in England and Wales and the Police Service of Northern Ireland
19. Transitional and saving provision: costs of policing at gas facilities

Explanatory Note