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STATUTORY INSTRUMENTS

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**1994 No. 3075 (C.72) (S.163)**

**POLICE**

**The Police and Magistrates' Courts Act 1994 (Commencement No.4 and Transitional Provisions) (Scotland) Order 1994**

<i>Made</i>	- - - -	<i>2nd December 1994</i>
<i>Laid before Parliament</i>		<i>9th December 1994</i>
<i>Coming into force</i>	- -	<i>1st January 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 94(1), (4) and (5) of the Police and Magistrates' Courts Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No.4 and Transitional Provisions) (Scotland) Order 1994.

(2) This Order shall come into force on 1st January 1995.

(3) In this Order—

“the 1967 Act” means the Police (Scotland) Act 1967((2); and

“the 1994 Act” means the Police and Magistrates' Courts Act 1994.

**Provisions of the 1994 Act coming into force on 1st January 1995**

2. The provisions of the 1994 Act which are specified in column 1 of the Schedule to this Order, and described by reference to the subject matter in column 2 of that Schedule, shall, insofar as not then in force, come into force on 1st January 1995 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

**Provision of the 1994 Act coming into force on 1st April 1995**

3. Section 59 of the 1994 Act shall, insofar as not then in force, come into force on 1st April 1995.

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(1) 1994 c. 29.

(2) 1967 c. 77.

**Provision of the 1994 Act coming into force on 1st January 1996 and transitional provision**

4.—(1) Section 51 of the 1994 Act shall, insofar as not then in force, come into force on 1st January 1996.

(2) Notwithstanding the amendments to section 15(1) of the 1967 Act made by section 51(a) and (c) of the 1994 Act brought into force by virtue of paragraph (1) above, the chief constable of a police force shall also include, in the report which he is required by section 15(1) of the 1967 Act to submit before 31st July 1996 as respects policing during the twelve months ending on 31st March in that year, a general report in writing on such matters as may have been prescribed by the Secretary of State under section 15(1) of the 1967 Act as respects, and generally as respects, the policing, during the period commencing on 1st January 1995 and ending on 31st March 1995, of the area for which the police force is maintained.

St Andrew's House,  
Edinburgh  
2nd December 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

## SCHEDULE

Article 2

## PROVISIONS OF THE 1994 ACT WHICH COME INTO FORCE ON 1ST JANUARY 1995

Column 1 Provision	Column 2 Subject matter	Column 3 Extent of commencement
Section 48	Assistant chief constables	Only for the purpose of enabling regulations to be made under Part II of the 1967 Act with respect to appointments and promotions to the rank of assistant chief constable.
Section 51	Chief constables' annual reports	Only for the purpose of bringing into force the substitution made by paragraph (b).
Section 52(1)	Regulations for police forces	
Section 52(3)	Regulations for police forces	Only for the purpose of bringing into force the power to make regulations under section 26 of the 1967 Act for the purposes mentioned in subsections (2A) and (2C) inserted by section 52(3) of the 1994 Act.
Section 53(1)	Fixed term appointments etc.	
Section 55(1)	Appeals against dismissal etc.	Only for the purpose of bringing into force the power to make rules under section 30(3), (4) and (6) of the 1967 Act as substituted by section 55(1) of the 1994 Act.
Section 56	Expenditure in safeguarding national security	
Section 57	Duty of inspectors of constabulary	
Section 58	Assistant inspectors of constabulary and staff officers to inspectors of constabulary	
Section 59	Common services	Only for the purposes of bringing into force the provisions of section 36(1) of the 1967 Act as substituted by section 59 in relation to consultation by the Secretary of State with the Joint Central Committee and such bodies

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Provision	Column 2 Subject matter	Column 3 Extent of commencement
		or associations as appear to the Secretary of State to be representative of police authorities or of chief constables or superintendents and the power to make regulations or an order under section 36 of the 1967 Act as so substituted.
Section 62	Transmission of criminal statistics	
Section 63(1), (6), (7)(b) and (9)(b)	Other amendments of 1967 Act	
Section 93	Repeals	Only so far as it relates to the entries in Schedule 9, Part I specified below.
Schedule 9, Part I	Repeals	The following entries in respect of the 1967 Act:—  In section 24(3) the words from “and the expression” onwards. Section 38(1) to (3).  In section 38(5), the words from ““police regulations”” onwards. In Schedule 4, the entry relating to the Police (Overseas Service) Act 1945.

## EXPLANATORY NOTE

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

This Order brings into force for specified purposes various provisions of Part II (which concern the arrangements for policing in Scotland) of the Police and Magistrates' Courts Act 1994.

Article 2 of, and the Schedule to, this Order bring into force on 1st January 1995 the provisions listed in the Schedule subject to any restriction of purpose specified. Article 3 brings into force on 1st April 1995 the provisions of section 59 of the 1994 Act insofar as not then in force. Article 4 brings into force on 1st January 1996 the provisions of section 51(a) and (c) and makes transitional provision in relation to those provisions.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

Provision	Date of Commencement	S.I.No.
Sections 1 to 3 and Schedules 1 and 2 (partially), section 18 (partially), section 41, section 44 and Schedule 5 (partially), section 46, section 52 (partially), section 65, section 93 and Schedule 9 (partially)	8.8.94	1994/2025
Part III, section 93 and Schedule 9 (partially)	23.8.94	1994/2151
Section 4 (partially), section 8 (partially), section 10 (partially), section 11 (partially), sections 14 to 16 (partially), section 22, section 25, section 31 (partially), section 32 (partially), section 33, section 39 (partially), section 42, section 43 and Schedule 4 (partially), section 44 and Schedule 5 (partially), section 45 (partially), section 93 and Schedule 9 (partially)	1.10.94	1994/2025
Section 17 (partially), section 27 (partially) and section 28 (partially)	1.11.94	1994/2025
Sections 69 to 71, 74, 78, 79 (partially), 85 to 90, 91(1) (partially), 92 and 93 (partially) and Part I of Schedule 8 (partially) and Part II of Schedule 9 (partially)	1.11.94	1994/2594