



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 1

POLICE

CHAPTER 1

THE SCOTTISH POLICE SERVICES AUTHORITY

The Scottish Police Services Authority

1 Establishment of the Scottish Police Services Authority

- (1) There is established a body corporate to be known as the Scottish Police Services Authority (“the Authority”).
- (2) Schedule 1 (which makes provision about the constitution, members and staff of the Authority and other matters relating to it) has effect.

2 Duty to establish and maintain the Agency

- (1) The Authority is to establish and maintain a body to be known as the Scottish Crime and Drug Enforcement Agency (“the Agency”).
- (2) The Agency has the functions of—
 - (a) preventing and detecting serious organised crime;
 - (b) contributing to the reduction of such crime in other ways and to the mitigation of its consequences; and
 - (c) gathering, storing and analysing information relevant to—
 - (i) the prevention, detection, investigation or prosecution of offences; or
 - (ii) the reduction of crime in other ways or the mitigation of its consequences.

Status: This is the original version (as it was originally enacted).

- (3) The Agency may disseminate such information to—
- (a) police forces;
 - (b) police forces maintained under section 2 of the Police Act 1996 (c. 16);
 - (c) the metropolitan police force;
 - (d) the City of London police force;
 - (e) the Police Service of Northern Ireland;
 - (f) the States of Jersey Police Force;
 - (g) the salaried police force of the Island of Guernsey;
 - (h) the Isle of Man Constabulary;
 - (i) the Ministry of Defence Police;
 - (j) the British Transport Police Force;
 - (k) the Civil Nuclear Constabulary;
 - (l) the Commissioners for Her Majesty’s Revenue and Customs and any other government department;
 - (m) the Serious Organised Crime Agency;
 - (n) the Scottish Administration;
 - (o) any other person who is charged with the duty of investigating offences or charging offenders;
 - (p) any other person who is engaged outwith the United Kingdom in the carrying on of activities similar to any carried on by the Agency or a police force.

3 Duty to provide the police support services

- (1) The Authority must provide the police support services.
- (2) The police support services are—
- (a) the development, provision, procurement and delivery of training and education to—
 - (i) police forces; and
 - (ii) such other persons or organisations as the Authority thinks fit;
 - (b) the development, provision, procurement, maintenance, management, support and oversight, as appropriate, of—
 - (i) national data systems;
 - (ii) information technology systems and equipment; and
 - (iii) records;
 - (c) the development, provision and maintenance of a national system for the collection, identification and verification of—
 - (i) such physical data, samples, and other things; and
 - (ii) such information derived from those data, samples and other things, as are, or may be, used to identify a person;
 - (d) the carrying out of any functions of the Scottish Ministers under Part V of the Police Act 1997 (c. 50) (certificates of criminal records etc.) which are delegated to the Authority by virtue of section 121 of that Act;
 - (e) the development and maintenance of a strategy for the acquisition and use of information technology systems by police forces; and
 - (f) the development and provision of a national forensic science service.
- (3) The Authority may—

- (a) establish and maintain institutions and organisations in connection with the provision of the police support services;
 - (b) do anything which is incidental or ancillary to providing the police support services.
- (4) The Authority, or any institution or organisation established by virtue of subsection (3) (a), may provide the police support service mentioned in subsection (2)(a) in conjunction with another person.
- (5) The Authority must carry out its functions under this section in a way calculated to promote the efficiency and effectiveness of the police.
- (6) In providing the police support services, the Authority must have regard to the effect of such provision on the efficiency and effectiveness of the criminal justice system.
- (7) In this section, “information technology systems” means systems which utilise a computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.
- (8) In section 121 of the Police Act 1997 (c. 50) (performance by constables on central service of functions under Part V of that Act)—
- (a) after “Scotland” where it first occurs there is inserted—
 - “(a) the Scottish Police Services Authority;”;
 - (b) the words “a constable engaged on central service (within the meaning of section 38 of the Police (Scotland) Act 1967)” become paragraph (b) of that section; and
 - (c) for “any constable performing” there is substituted “that Authority’s or any constable’s performance of”.

4 Strategic priorities of the Authority

- (1) The Scottish Ministers may determine strategic priorities in relation to the carrying out of the functions of the Authority.
- (2) Before making a determination under subsection (1) the Scottish Ministers must consult—
- (a) the Authority;
 - (b) the Director General of the Agency;
 - (c) persons whom the Scottish Ministers consider represent the interests of chief constables of police forces; and
 - (d) persons whom the Scottish Ministers consider represent the interests of police bodies.
- (3) The Scottish Ministers must arrange for any determination under subsection (1) to be published in such manner as they consider appropriate.

5 Objectives of the Authority

- (1) The Authority must from time to time determine its objectives.
- (2) The Authority—
- (a) must keep its objectives under review; and
 - (b) may modify them.

- (3) The Authority’s objectives must be consistent with any strategic priorities determined under section 4.

6 Annual plans of the Authority

- (1) At least 3 months before the beginning of each financial year, the Authority must—
- (a) prepare; and
 - (b) submit to the Scottish Ministers,
- a plan setting out the proposed arrangements for the carrying out by the Authority of its functions during the year (the “annual plan”).
- (2) The annual plan must specify—
- (a) any strategic priorities determined under section 4(1);
 - (b) the objectives determined under section 5 for the financial year to which the plan relates;
 - (c) any directions such as are mentioned in section 30(1);
 - (d) the funding expected to be available to the Authority for the financial year to which the plan relates; and
 - (e) how the Authority proposes to allocate the funding.
- (3) The annual plan must state, in relation to each objective included in the plan by virtue of subsection (2)(b), how the Authority proposes to meet the objective.
- (4) In preparing the annual plan, the Authority must consult—
- (a) persons whom the Authority considers represent the interests of chief constables of police forces;
 - (b) persons whom the Authority considers represent the interests of police bodies; and
 - (c) such other persons as the Authority considers appropriate.
- (5) The Scottish Ministers must, no later than 2 months from the date on which the annual plan is submitted to them—
- (a) approve the plan as submitted; or
 - (b) approve the plan subject to such modifications as they consider appropriate.
- (6) On the annual plan being approved by the Scottish Ministers, the Authority must—
- (a) publish it in such manner as the Authority considers appropriate; and
 - (b) send a copy of it to the persons specified in subsection (7).
- (7) Those persons are—
- (a) chief constables of police forces;
 - (b) police bodies; and
 - (c) such other persons as the Authority considers appropriate.

7 Annual reports of the Authority

- (1) As soon as practicable after the end of each financial year, the Authority must—
- (a) prepare; and
 - (b) publish in such manner as it considers appropriate,

a report on the carrying out of the Authority’s functions during the year (the “annual report”).

- (2) The annual report must include an assessment of the extent to which the annual plan has been implemented.
- (3) If after publication of the annual plan the Authority modifies, by virtue of subsection (2) of section 5, the objectives determined under that section, the Authority must include in the annual report—
 - (a) a statement of the modified objectives; and
 - (b) an assessment of the extent to which those modified objectives have been implemented.
- (4) The Authority must send a copy of the annual report to the Scottish Ministers and to each of the persons mentioned in section 6(7)(a) to (c).
- (5) The Scottish Ministers must lay a copy of any report sent to them by virtue of subsection (4) before the Scottish Parliament.
- (6) In this section, references, in relation to the annual report, to the annual plan are to the annual plan published by virtue of section 6 for the year to which the annual report relates.

8 Provision of information to the Scottish Ministers

The Authority must comply with any reasonable request from the Scottish Ministers to provide them with any information on the Authority’s activities.

9 Liability for wrongful acts of certain persons seconded to the Authority

- (1) The Authority is liable in reparation in respect of any wrongful act or omission on the part of any person to whom subsection (2) applies in the performance or purported performance of the person’s functions in the same manner as an employer is liable in respect of a wrongful act or omission on the part of the employer’s employee in the course of the employee’s employment.
- (2) This subsection applies to any—
 - (a) constable to whom by virtue of sub-paragraph (5) of paragraph 10 of schedule 1, sub-paragraph (6) of that paragraph applies;
 - (b) person to whom by virtue of sub-paragraph (7) of that paragraph of that schedule, sub-paragraph (8) of that paragraph applies.

10 Grants

- (1) The Scottish Ministers may make grants to the Authority.
- (2) Where the Scottish Ministers make a grant under subsection (1), they must specify the amount, or proportion, of the grant which is to be used for the purposes of carrying out the Authority’s duty under section 2(1).
- (3) A grant under subsection (1) may be made subject to such terms and conditions as the Scottish Ministers consider appropriate.

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- (4) The Scottish Ministers may not impose terms and conditions under subsection (3) which would, or might, affect—
- (a) particular operations being, or to be, carried out by the Agency; or
 - (b) the way in which such operations are being, or are to be, carried out.
- (5) Terms or conditions under subsection (3) may, in particular, relate to—
- (a) the purposes for which the grant, or a specified amount, or proportion, of the grant, is to be used;
 - (b) recovery of overpayments of grant;
 - (c) recovery of sums equivalent to grant used otherwise than in accordance with—
 - (i) subsection (2); or
 - (ii) terms or conditions imposed under subsection (3).
- (6) The Authority may, subject to subsection (2) and any terms and conditions imposed under subsection (3), use the grant in such manner as it considers appropriate for the purposes of—
- (a) providing the police support services under subsection (1) of section 3;
 - (b) establishing and maintaining institutions and organisations in connection with the provision of the police support services under subsection (3)(a) of that section; and
 - (c) doing anything which is incidental or ancillary to providing the police support services.
- (7) Before making a grant under subsection (1) the Scottish Ministers must consult—
- (a) the Authority;
 - (b) the Director General of the Agency;
 - (c) persons whom the Scottish Ministers consider represent the interests of chief constables of police forces; and
 - (d) persons whom the Scottish Ministers consider represent the interests of police bodies.

11 Charges by the Authority and other receipts

- (1) The Authority may make charges in respect of any goods or services which it or the Agency provides to any person.
- (2) Any charges made under subsection (1) may include amounts calculated by reference to expenditure incurred, or expected to be incurred, by the Authority or the Agency otherwise than directly in connection with the provision of the goods or services concerned.
- (3) With the exception of—
- (a) grants made under section 10; and
 - (b) any sums borrowed by the Authority by virtue of paragraph 15 of schedule 1, all sums received by the Authority in the course of, or in connection with, the carrying out of its functions must be paid to the Scottish Ministers.
- (4) Subsection (3) does not apply where the Scottish Ministers so direct.