



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.

- (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.

The Scottish Crime and Drug Enforcement Agency

12 Members of the Agency

- (1) The Agency is to consist of—
 - (a) a Director General appointed in accordance with paragraph 1 of schedule 2;
 - (b) a Deputy Director General appointed in accordance with paragraph 2 of that schedule;
 - (c) police members appointed in accordance with paragraph 7 of that schedule; and
 - (d) support staff members appointed in accordance with paragraph 8 of that schedule.
- (2) Schedule 2 (which contains provisions about the membership of the Agency) has effect.

13 Strategic priorities of the Agency

- (1) The Scottish Ministers may determine strategic priorities in relation to the carrying out of the functions of the Agency.
- (2) In making a determination under subsection (1), the Scottish Ministers must not do anything which would, or might, affect decisions of the Agency about which particular operations are to be carried out by it in compliance with those priorities and how they are to be so carried out.
- (3) 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.
- (4) The Scottish Ministers must arrange for any determination under subsection (1) to be published in such manner as they consider appropriate.

14 Annual plans of the Agency

- (1) At least 3 months before the beginning of each financial year, the Director General of the Agency must—
 - (a) prepare; and
 - (b) submit to the Authority,a plan setting out the proposed arrangements for the carrying out by the Agency of its functions during the year (the “annual plan”).
- (2) The annual plan must specify—
 - (a) any strategic priorities determined under section 13(1);
 - (b) any directions such as are mentioned in section 30(2);
 - (c) the funding expected to be available to the Agency for the financial year to which the plan relates; and

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- (d) how the Director General proposes to allocate the funding.
- (3) The Authority must, no later than 2 months from the date on which the annual plan is submitted to it—
 - (a) approve the plan as submitted; or
 - (b) approve the plan subject to such modifications as the Authority considers appropriate.
- (4) The Authority must not, in pursuance of subsection (3)(b), make any modifications which would, or might, affect decisions of the Agency about which particular operations are to be carried out by it or how they are to be carried out.
- (5) On the annual plan being approved by the Authority, the Director General must—
 - (a) publish it in such manner as the Director General considers appropriate; and
 - (b) send a copy of it to the persons specified in subsection (6).
- (6) Those persons are—
 - (a) the Scottish Ministers;
 - (b) chief constables of police forces;
 - (c) police bodies; and
 - (d) such other persons as the Director General considers appropriate.

15 Annual reports of the Agency

- (1) As soon as practicable after the end of each financial year, the Director General of the Agency must—
 - (a) prepare; and
 - (b) publish in such manner as the Director General considers appropriate, a report on the carrying out of the Agency’s functions during the year (the “annual report”).
- (2) The annual report must include an assessment of the extent to which the annual plan published by virtue of section 14 for the year to which the report relates has been implemented.
- (3) The Director General must send a copy of the annual report to the Authority and to each of the persons mentioned in section 14(6)(a) to (d).
- (4) The Scottish Ministers must lay a copy of any report sent to them by virtue of subsection (3) before the Scottish Parliament.

16 General functions of Director General of the Agency

- (1) The Agency is to be under the direction and control of the Director General.
- (2) In carrying out the functions of the Director General, the Director General must have regard to the annual plan published by virtue of section 14.

17 Powers of the Agency

- (1) The Agency may—
 - (a) at the request of the chief constable of a police force, act in support of any activities of that force;

- (b) at the request of any of the bodies mentioned in section 17(b) to (q), act in support of any activities of the body;
 - (c) enter into other arrangements for co-operating with persons (in the United Kingdom or elsewhere) whom it considers appropriate in connection with the carrying out of any of the functions conferred on the Agency by section 2(2).
- (2) Despite the references to serious organised crime in subsection (2) of section 2, the Agency may carry on activities in relation to other crime if they are carried on for the purposes of any of the functions conferred on the Agency by that section.
- (3) The Agency may furnish such assistance as it considers appropriate in response to requests made by any government or other body carrying out functions of a public nature in any country or territory outwith the United Kingdom.
- (4) Subsection (3) does not apply to any request for assistance which could be made under section 13 of the Crime (International Co-operation) Act 2003 (c. 32) (requests by overseas authorities to obtain evidence).

18 Scottish Ministers' power to modify section 17

- (1) The Scottish Ministers may by order modify section 17 so as to—
- (a) confer additional powers on the Agency;
 - (b) remove powers from the Agency;
 - (c) amend powers of the Agency.
- (2) Before making an order 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.

19 Disclosure of information by the Agency

- (1) Information obtained by the Agency in connection with any of its functions may be disclosed by it if the disclosure is for any permitted purposes.
- (2) “Permitted purposes” means the purposes of any of the following—
- (a) the prevention, detection, investigation or prosecution of criminal offences, whether in the United Kingdom or elsewhere;
 - (b) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom;
 - (c) the exercise of any function conferred on the Agency by section 2 or 17 (so far as not falling within paragraph (a) or (b));
 - (d) the exercise of any functions of any intelligence service within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23);
 - (e) the exercise of any functions under Chapter 1 of Part 2 of this Act or Part 2 of the Football Spectators Act 1989 (c. 37), or of any similar functions under the law of any part of the United Kingdom other than Scotland or England and Wales or of any country or territory outside the United Kingdom;

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- (f) the exercise of any function which appears to the Scottish Ministers to be a function of a public nature and which they designate by order.
- (3) A disclosure under this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure; or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) Information disclosed by the Agency under this section to any person or body must not be further disclosed except—
 - (a) for a purpose connected with any function of that person or body for the purposes of which the information was disclosed by the Agency, or otherwise for any permitted purposes; and
 - (b) with the consent of the Agency.
- (5) Consent under subsection (4) may be given—
 - (a) in relation to a particular disclosure; or
 - (b) in relation to disclosures made in circumstances specified or described in the consent.

20 Disclosure of information to the Agency

- (1) Any person may disclose information to the Agency if the disclosure is made for the purposes of the exercise by the Agency of any of its functions.
- (2) A disclosure under this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure; or
 - (b) any other restriction on the disclosure of information (however imposed).

21 Direction by Director General of the Agency

- (1) The performance by—
 - (a) the Deputy Director General of the Agency of the Deputy Director General’s functions; and
 - (b) a police member of the Agency of the member’s functions,
 is subject to the direction of the Director General.
- (2) In giving direction under subsection (1) the Director General must comply with any instructions (whether general or special) falling within subsection (3).
- (3) Those instructions are—
 - (a) in relation to the investigation of offences, any instructions given to the Director General by the Lord Advocate or the procurator fiscal; and
 - (b) in relation to the reporting, for consideration of the question of prosecution, of alleged offences, any instructions given to the Director General by the Lord Advocate.

22 Liability for wrongful acts of police members of the Agency

- (1) The Director General of the Agency is liable in reparation in respect of any wrongful act or omission on the part of any police member in the performance or purported performance of the member’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) The Authority is to pay—
 - (a) any damages or expenses awarded against the Director General of the Agency in any proceedings brought against the Director General by virtue of this section and any expenses incurred by the Director General in any proceedings so brought so far as not recovered by the Director General in those proceedings;
 - (b) any sum required in order to enable the Director General of the Agency to settle any claim made against the Director General by virtue of this section, if the settlement is approved by the Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section may be brought only against the Director General of the Agency for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in this section to the Director General of the Agency are to be construed accordingly.
- (4) The Authority may, in such cases and to such extent as appear to it to be appropriate, pay—
 - (a) any damages or expenses awarded against a police member in proceedings arising from any wrongful act or omission on the part of the member;
 - (b) any expenses incurred and not recovered by such a member in such proceedings; and
 - (c) any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.
- (5) Any reference in this section to a police member is a reference to a person appointed as a police member of the Agency in accordance with paragraph 7 of schedule 2.

23 Regulations relating to the Agency

- (1) The Scottish Ministers may make regulations as to the government and administration of the Agency and conditions of service with the Agency.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
 - (a) the qualifications for appointment by virtue of paragraph 7(2)(c) of schedule 2 of police members of the Agency;
 - (b) periods of service on probation for police members appointed by virtue of that paragraph;
 - (c) the police ranks to be held by police members;
 - (d) the promotion of police members;
 - (e) voluntary retirement of police members;
 - (f) the efficiency and effectiveness of police members;
 - (g) the conduct and discipline of police members;
 - (h) the suspension of police members from membership of the Agency and from the office of constable;
 - (i) the duties which are or are not to be performed by police members;

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- (j) the treatment as occasions of police duty of attendance at meetings of Police Federations and any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996 (c. 16);
 - (k) the hours of duty, leave, pay and allowances of police members;
 - (l) the maintenance of personal records of police members;
 - (m) the issue, use and return of—
 - (i) personal equipment; and
 - (ii) police clothing.
- (3) Regulations under subsection (1) may authorise the Scottish Ministers, the Authority or the Director General of the Agency to make provision for any purpose specified in the regulations.
- (4) In relation to any matter as to which provision may be made by regulations under subsection (1), the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Scottish Ministers, the Authority, the Director General of the Agency or other persons; or
 - (b) authorise or require the delegation by any person of functions conferred on the person by virtue of the regulations.
- (5) Regulations under subsection (1) must provide for the making of such arrangements as to the hours of duty of police members as shall secure that every such member (not being above such rank as may be specified in the regulations) be allowed at least 52 days in a year on which the member is not required to perform police duty (save on occasions of emergency), such days being distributed throughout the year with the object of securing, so far as practicable, to every such member one day's rest in every 7.
- (6) Regulations under subsection (1) which make provision for or in connection with pay and allowances may be made with retrospective effect to any date specified in the regulations; but nothing in this subsection is to be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (7) Regulations under subsection (1) as to conditions of service must secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- (8) Subsection (7) does not apply to appointments made by virtue of paragraph 7(2)(a) of schedule 2.
- (9) Any reference in this section (other than subsection (2)(a) and (b)) to a police member is a reference to a person appointed as a police member of the Agency in accordance with paragraph 7 of schedule 2.
- (10) Before making regulations under subsection (1) other than regulations with respect to any of the matters mentioned in section 61(1) of the Police Act 1996 (c. 16), the Scottish Ministers must—
- (a) submit a draft to the Police Advisory Board for Scotland; and
 - (b) consider any representations made by the Board as to the draft.

The police support services

24 The police support services: modification by order

- (1) The Scottish Ministers may by order modify section 3(2).
- (2) Before making an order under subsection (1) the Scottish Ministers must consult—
 - (a) the Authority;
 - (b) persons whom the Scottish Ministers consider represent the interests of chief constables of police forces;
 - (c) persons whom the Scottish Ministers consider represent the interests of police bodies; and
 - (d) such other persons as the Scottish Ministers consider appropriate.

25 Use of the police support services

- (1) The Scottish Ministers may by regulations make provision for or in connection with requiring—
 - (a) police forces; or
 - (b) such of them as are specified in the regulations,to use such of the police support services as are so specified.
- (2) The power conferred by subsection (1) may be exercised only if the Scottish Ministers consider that it would be in the interests of the efficiency or effectiveness of the police to do so.
- (3) Before making any regulations under subsection (1), the Scottish Ministers must have regard to the effect the regulations would have on the efficiency and effectiveness of the criminal justice system.
- (4) Before making regulations under subsection (1) the Scottish Ministers must consult the persons mentioned in section 24(2)(a) to (d).

Inspections

26 Inspections of the Authority's services and the Agency

- (1) The inspectors of constabulary must, from time to time, carry out an inspection of the police support services provided by the Authority for the purpose of ascertaining the efficiency and effectiveness of those services.
- (2) The inspectors of constabulary must, from time to time, carry out an inspection of the Agency for the purpose of ascertaining the efficiency and effectiveness of the Agency.
- (3) The inspectors of constabulary must, in relation to any inspection carried out by virtue of subsection (1) or (2), publish a report on their findings.

27 Inspections of the Authority at request of the Scottish Ministers

- (1) The Scottish Ministers may require the inspectors of constabulary to carry out an inspection of the Authority (or part of the Authority) for the purpose of ascertaining the efficiency and effectiveness of the Authority (or part).

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- (2) The Scottish Ministers may require the inspectors of constabulary to carry out an inspection of—
 - (a) any of the Authority’s functions or activities for the purpose of ascertaining the efficiency and effectiveness of the Authority in carrying out those functions or, as the case may be, activities;
 - (b) any of the Authority’s services for the purpose of ascertaining the efficiency and effectiveness of the Authority in providing, or securing the provision of, those services.
- (3) The inspectors must, in relation to any inspection carried out by virtue of subsection (1) or (2), publish a report on their findings.

28 Reports on inspections: powers of the Scottish Ministers

- (1) This section applies where a report published under section 27(3) states—
 - (a) that, in the opinion of the person making the report, the whole or any part of the Authority or any of the police support services which it provides is (whether generally or in particular respects) not efficient or effective; or
 - (b) that, in that person’s opinion, the whole or any part of the Authority or any of the police support services which it provides will cease to be efficient or effective (whether generally or in particular respects) unless remedial measures are taken.
- (2) If the Scottish Ministers consider that remedial measures are required in respect of any matters identified by the report, they may direct the Authority to submit to them an action plan within such period (being a period ending at least 4, and not more than 12, weeks after the date on which the direction is given) as is specified in the direction.
- (3) An action plan is a plan setting out the remedial measures which the Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If this section applies at a time when there is already an action plan in force—
 - (a) references in this section to an action plan include references to revisions of the existing plan; and
 - (b) the other provisions of this section have effect accordingly.

29 Revision of inadequate action plan

- (1) This section applies where the Scottish Ministers determine that any remedial measures contained in an action plan submitted to them under section 28 are inadequate.
- (2) The Scottish Ministers must notify the Authority of that determination and their reasons for it.
- (3) On receipt of a notification under subsection (2) the Authority must—
 - (a) consider whether to revise the plan in the light of the matters notified to it; and
 - (b) if it does revise the plan, send a copy of the revised plan to the Scottish Ministers.

*Miscellaneous and general***30 Directions**

- (1) The Authority must comply with any direction (whether general or specific) given to it by the Scottish Ministers.
- (2) The Agency must comply with any direction (whether general or specific) given to it by the Scottish Ministers.
- (3) The Scottish Ministers may not give directions to the Agency in respect of—
 - (a) particular operations which the Agency is carrying out (or is to carry out); or
 - (b) the way in which the Agency is carrying out (or is to carry out) such operations.
- (4) Where the Scottish Ministers give a direction to the Authority or the Agency, the Scottish Ministers—
 - (a) must arrange for the direction to be published in such manner as they consider appropriate;
 - (b) may vary or revoke the direction.

31 Transfer of staff, property etc.

Schedule 3 (which makes provision about transfers of staff to the Authority and the Agency and transfers of property, rights and liabilities to the Authority) has effect.

32 Interpretation of Chapter 1

In this Chapter—

“the Agency” means the Scottish Crime and Drug Enforcement Agency established under section 2(1);

“the Authority” means the Scottish Police Services Authority established by section 1;

“financial year” means—

- (a) the period beginning with the date on which the Authority first meets and ending with 31 March next following that date; and
- (b) each successive period of 12 months ending with 31 March;

“inspectors of constabulary” means persons appointed under section 33(1) of the Police (Scotland) Act 1967 (“the 1967 Act”);

“joint police board” means a joint police board constituted under an amalgamation scheme made under the 1967 Act;

“police bodies” means—

- (a) each police authority whose area is not combined by virtue of an amalgamation scheme under the 1967 Act with the area of any other police authority; and
- (b) each joint police board;

“police support services” has the meaning given by section 3(2).