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**Changes to legislation:** There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Paragraph 5. (See end of Document for details)

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## SCHEDULE 6 MODIFICATIONS OF ENACTMENTS

### PART 1

#### ACTS

##### *The Police Act 1996 (c. 16)*

- 5 (1) The Police Act 1996 is modified as follows.
- (2) After section 60 (regulations for police federations), there is inserted—

**“60A Sections 59 and 60: special provision for the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency**

- (1) For the purposes of sections 59 and 60, persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to the 2006 Act shall be treated as members of a police force in Scotland, and references in section 59 to police service shall be construed accordingly.
- (2) The reference in section 59(2) to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations made in accordance with either of—
- (i) [F1]section 23(2)(g) of the 2006 Act, and
- (ii) section 26(2A) of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
- (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967 (temporary service with the Scottish Police Services Authority), be construed as a reference to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (3) The reference in [F2]section 60(2)(e) to regulations under section 26 of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations under either of—
- (i) section 23 of the 2006 Act, and
- (ii) section 26 of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
- (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967, be construed as a reference to regulations made under section 26 of

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the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.

- (4) For the purposes of paragraphs (c) and (d) of subsection (2) of section 60—
  - (a) the Scottish Police Services Authority shall be treated as a police authority, and
  - (b) the Director General of the Scottish Crime and Drug Enforcement Agency shall be treated as a chief officer of police, and the reference in paragraph (d) of that subsection to police purposes shall be construed accordingly.
- (5) In this section, “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006.”.

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

- (5) In section 63 (Police Advisory Boards for England and Wales and for Scotland), after subsection (1) there is inserted—

“(1ZA) The Police Advisory Board for Scotland shall also advise the Scottish Ministers on general questions affecting—

- (a) constables seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
- (b) persons seconded to the Scottish Police Services Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (a); or
- (c) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.”.

**Textual Amendments**

- F1** Words in Sch. 6 para. 5(2) (in the inserted s. 60A of the Police Act 1996 (c. 16)) substituted (31.3.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Modification of Agency's Powers and Incidental Provision) Order 2007 (S.S.I. 2007/260), **art. 2(3)(a)**
- F2** Words in Sch. 6 para. 5(2) (in the inserted s. 60A of the Police Act 1996 (c. 16)) substituted (31.3.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Modification of Agency's Powers and Incidental Provision) Order 2007 (S.S.I. 2007/260), **art. 2(3)(b)**
- F3** Sch. 6 para. 5(3)(4) repealed (17.8.2023) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 102** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2023/829, art. 2(d)(vi)

**Commencement Information**

- II** Sch. 6 para. 5 wholly in force at 1.4.2007; Sch. 6 para. 5 not in force at Royal Assent see s. 104; Sch. 6 para. 5(4)(5) in force at 1.1.2007 by S.S.I. 2006/607, **art. 3, Sch.**; Sch. 6 para. 5 in force at 1.4.2007 insofar as not already in force by S.S.I. 2007/84, **art. 3(3)**

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