



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

2006 asp 10

## PART 1

### POLICE

#### CHAPTER 1

##### THE SCOTTISH POLICE SERVICES AUTHORITY

##### *The Scottish Crime and Drug Enforcement Agency*

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*Status: This is the original version (as it was originally enacted).*

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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.