

# **POLICE AND FIRE REFORM (SCOTLAND) ACT 2012**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Police Reform**

##### ***Chapter 12 – Co-Operation, Exchange of Information, Etc***

81. This Chapter describes the new arrangements for interaction and co-operation between the SPA and Police Service, and the inspectors of constabulary, the Auditor General and the Police Investigations and Review Commissioner.
82. **Section 83** provides that the SPA and chief constable can make arrangements under which the SPA and Police Service provide assistance to each other. This includes the ability for members of the SPA's staff to provide assistance to the Police Service and members of police staff and constables to provide assistance to the SPA.
83. **Section 84** places a duty on the SPA to comply with any requirement made by the Scottish Ministers to provide reports, statistics or other information to them on any matter connected with the SPA, Police Service and the state of crime. The chief constable must do the same in relation to the Police Service for any request made by the SPA. The chief constable can however refer to the Scottish Ministers any such requirement made by the SPA if he or she considers that compliance would or could prejudice the carrying out of a police operation or the prosecution of offenders. If this happens, the requirement will only have effect if it is confirmed by the Scottish Ministers. The chief constable can also be required by the Lord Justice General or a sheriff principal (in relation to policing in the sheriff principal's jurisdiction) to provide such reports relating to policing as may reasonably be required.
84. **Section 84(8)** places a duty on the chief constable to try to ensure that sufficient information about the state of crime is kept to enable compliance with any such request. **Section 84(9)** also places a duty on the clerk of any court with criminal jurisdiction to provide any information they have to the chief constable to enable him or her to meet that obligation.
85. **Section 85** places a duty on the inspectors of constabulary, Auditor General and Police Investigations and Review Commissioner to work together in order to improve the carrying out of their functions. In particular, arrangements must be made to ensure the effective exchange of information between them about the SPA and Police Service and to prevent any unnecessary duplication of effort. This requirement does not apply where a matter requires urgent action. In complying with this duty, the inspectors and the PIRC must comply with any direction or guidance given by the Scottish Ministers. Such directions or guidance may relate to all functions of the inspectors and the PIRC, or only to specified functions, and may be varied or revoked by the Scottish Ministers.