



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 1

##### THE SCOTTISH POLICE AUTHORITY

#### **1 The Scottish Police Authority**

- (1) There is established a body corporate to be known as the Scottish Police Authority or, in Gaelic, Ùghdarras Poilis na h-Alba.
- (2) Schedule 1 makes provision about the Authority's constitution, members and staff and other matters relating to it.

#### **2 Functions of the Authority**

- (1) The Authority's main functions are—
  - (a) to maintain the Police Service,
  - (b) to promote the policing principles set out in section 32,
  - (c) to promote and support continuous improvement in the policing of Scotland,
  - (d) to keep under review the policing of Scotland,
  - (e) to hold the chief constable to account for the policing of Scotland (including, in particular, the chief constable's carrying out of the duties imposed by or mentioned in section 17).
- (2) The Authority also has the additional functions conferred on it by virtue of this or any other enactment.

- (3) The Authority must try to carry out its functions in a way which is proportionate, accountable and transparent and which is consistent with any principle of good governance which appears to it to constitute best practice.

### 3 Maintenance of the police

- (1) In pursuance of its function under section 2(1)(a)—
- (a) the Authority must (in accordance with regulations made under section 48)—
    - (i) pay constables pay and allowances, and
    - (ii) reimburse any expenses reasonably incurred by a constable,
  - (b) the Authority may provide and maintain anything necessary or desirable for the carrying out of police functions, including vehicles, equipment, information technology systems, land, buildings and other structures, and
  - (c) the Authority must, before the beginning of each financial year, provide to the chief constable details of how it intends to allocate the financial resources it expects to have available to it in respect of that financial year.
- (2) In this section, “financial year” means each period of a year ending on 31 March.

### 4 General powers of the Authority

- (1) The Authority may do anything that it considers appropriate for the purposes of, or in connection with, the carrying out of its functions.
- (2) The Authority may in particular—
- (a) enter into contracts,
  - (b) borrow money,
  - (c) acquire and dispose of land and other property,
  - (d) with the authorisation of the Scottish Ministers, purchase compulsorily land, and
  - (e) form or promote (whether alone or with another) companies under the Companies Act 2006 (c.46).
- (3) The Authority may not exercise the power in subsection (2)(b) or (e) without the consent of the Scottish Ministers.
- (4) Such consent may be given—
- (a) with respect to a particular case or a particular class of case,
  - (b) subject to such conditions as the Scottish Ministers consider appropriate.
- (5) The power in subsection (2)(c) includes power to accept, on such terms and conditions as the Authority considers appropriate—
- (a) gifts of money, and
  - (b) gifts or loans of other property.
- (6) The powers in subsection (2)(c) and (d) to acquire and purchase land include power to acquire a servitude or other right in or over land by the creation of a new right.
- (7) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42) applies in relation to the compulsory purchase of land under subsection (2)(d) as if—
- (a) that provision were contained in an Act in force immediately before the commencement of that Act, and

- (b) the Authority were a local authority.

## **5 Directions**

- (1) The Authority must comply with any direction (general or specific) given by the Scottish Ministers.
- (2) A direction may not be given in respect of—
  - (a) a specific operation being or to be carried out by the Police Service, or
  - (b) the way in which the Police Service is carrying out (or is to carry out) a specific operation.
- (3) The Scottish Ministers must—
  - (a) publish a direction given under this section in such manner as they consider appropriate, and
  - (b) lay a copy of it before the Scottish Parliament.
- (4) The Scottish Ministers may vary or revoke a direction (and subsection (3) applies in relation to an instrument varying or revoking a direction as it applies to a direction).