

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, Paragraph 7 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5 TRANSFER OF CONSTABLES, STAFF AND PROPERTY ETC.

Constables serving in SPSA or SCDEA

- 7 (1) An individual who, immediately before the appointed day, is the Director General or Deputy Director General of, or is a police member of, the SCDEA is, on the appointed day, to transfer to serve as a constable of the Police Service.
- (2) Sub-paragraph (1) does not apply to a police member of the SCDEA serving as a member of the SPSA's staff in accordance with an arrangement made by virtue of paragraph 10(3) of schedule 1 to the 2006 Act (see sub-paragraphs (5) and (6)(a) below).
- (3) Sub-paragraph (4) applies where, immediately before the appointed day, an individual—
- (a) is serving as a member of the SPSA's staff in accordance with an arrangement made by virtue of paragraph 10(2) of schedule 1 to the 2006 Act, and
 - (b) is not a police member of the SCDEA.
- (4) Where this sub-paragraph applies, it is for the Scottish Police Authority to determine whether the individual concerned is, on the appointed day, to transfer—
- (a) to serve as a constable of the Police Service, or
 - (b) to be engaged on temporary service as a member of the Authority's staff.
- (5) Sub-paragraph (6) applies where, immediately before the appointed day, an individual is serving as a member of the SPSA's staff in accordance with an arrangement made by virtue of paragraph 10(3) of schedule 1 to the 2006 Act.
- (6) Where this sub-paragraph applies, the arrangement is, on and after the appointed day, to have effect as if made by the Scottish Police Authority under section 16 and—
- (a) where the individual concerned is a police member of the SCDEA, the individual is, on the appointed day, to transfer to be engaged on temporary service as a constable of the Police Service, or
 - (b) where the individual concerned is not a police member of the SCDEA, it is for the Scottish Police Authority to determine whether the individual is, on the appointed day, to transfer—
 - (i) to be engaged on temporary service as a constable of the Police Service, or
 - (ii) to be engaged on temporary service as a member of the Authority's staff.

Commencement Information

II Sch. 5 para. 7 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Ch. 12A inserted by [2017 asp 4 s. 1\(1\)](#)
- s. 17(2)(h) inserted by [2017 asp 4 s. 2\(a\)\(ii\)](#)
- s. 17(4)(b)(iv) inserted by [2017 asp 4 s. 2\(b\)\(ii\)](#)
- s. 20A inserted by [2017 asp 4 s. 3](#)