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## SCHEDULE 1

(introduced by section 1(2))

### THE SCOTTISH POLICE AUTHORITY

#### PART 1

##### STATUS, STRUCTURE AND GOVERNANCE

###### *Status*

- 1 (1) The Authority—
  - (a) is not a servant or agent of the Crown, and
  - (b) has no status, immunity or privilege of the Crown.
- (2) The Authority's property is not property of, or property held on behalf of, the Crown.

###### *Membership*

- 2 (1) The Authority is to consist of—
  - (a) a member appointed by the Scottish Ministers to chair the Authority (“the chairing member”), and
  - (b) not fewer than 10 nor more than 14 other members appointed by the Scottish Ministers.
- (2) The Scottish Ministers must appoint as members only persons who they consider to have the skills and expertise relevant to the functions of the Authority.
- (3) The Scottish Ministers may by order modify sub-paragraph (1)(b) by substituting for the minimum or maximum number of members for the time being specified there such other number as they think fit.
- (4) Members of the Authority may elect from their number a member to act as deputy to the chairing member.

###### *Disqualification*

- 3 A person is disqualified from appointment, and from holding office, as a member of the Authority if that person is or becomes—
  - (a) a member of—
    - (i) the Scottish Parliament,
    - (ii) the House of Lords,
    - (iii) the House of Commons, or
    - (iv) the European Parliament,
  - (b) disqualified from standing for election as a member of—
    - (i) the Scottish Parliament,
    - (ii) the House of Commons, or
    - (iii) a local authority,
  - (c) a constable,
  - (d) a member of—

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- (i) a police force maintained under section 2 of the Police Act 1996 (c.16),
- (ii) the metropolitan police force,
- (iii) the City of London police force,
- (iv) the Police Service of Northern Ireland,
- (v) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c.4),
- (vi) the British Transport Police Force,
- (vii) the Civil Nuclear Constabulary,
- (viii) the States of Jersey Police Force,
- (ix) the salaried police force of the Island of Guernsey, or
- (x) the Isle of Man Constabulary,
- (e) a member of police staff,
- (f) a member of the Authority's staff,
- (g) the Police Investigations and Review Commissioner or any member of the Commissioner's staff, and
- (h) a person of such other description as may be prescribed by order made by the Scottish Ministers.

#### *Tenure*

- 4
- (1) A member is to be appointed for a period not exceeding 4 years specified in the appointment.
  - (2) A member holds and vacates office on such terms and conditions as the Scottish Ministers may determine.
  - (3) On ceasing to be a member, a person is eligible for reappointment.
  - (4) A member may, by notice in writing to the Scottish Ministers, resign office as a member.

#### *Removal from office*

- 5
- (1) The Scottish Ministers may remove a member from office if—
    - (a) the member is an undischarged bankrupt,
    - (b) the member has, without reasonable excuse, been absent from meetings of the Authority for a period longer than 4 consecutive months,
    - (c) the member has, without reasonable excuse, been absent from 3 consecutive meetings of the Authority,
    - (d) the member has been convicted (whether before or after the member's appointment) of a criminal offence,
    - (e) the member has failed to comply with the terms or conditions of the member's appointment, or
    - (f) the Scottish Ministers consider that the member is otherwise unfit to be a member or is unable for any reason to carry out the member's functions.
  - (2) For the purposes of sub-paragraph (1)(a), “undischarged bankrupt” means a person—
    - (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),

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- (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
- (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 (c.66) or the Insolvency Act 1986 (c.45),
- (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts,
- (e) who has been adjudged bankrupt (and has not been discharged), or
- (f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

#### *Staff of the Authority*

- 6 (1) The Authority may appoint individuals to assist the Authority in the carrying out of its functions.
- (2) Individuals appointed under sub-paragraph (1) may be—
- (a) employed by the Authority,
  - (b) provided to the Authority under arrangements between the Authority and a third party, or
  - (c) engaged on temporary service with the Authority in accordance with arrangements made under paragraph 7(1).

#### *Constables: temporary service with the Scottish Police Authority*

- 7 (1) The Authority may make arrangements for a constable, or any person falling within sub-paragraph (2), to serve as a member of the Authority's staff in order to assist it in the carrying out of its functions.
- (2) A person falls within this sub-paragraph if the person is a member of—
- (a) a police force maintained under section 2 of the Police Act 1996 (c.16),
  - (b) the metropolitan police force,
  - (c) the City of London police force,
  - (d) the Police Service of Northern Ireland,
  - (e) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c.4),
  - (f) the British Transport Police Force,
  - (g) the Civil Nuclear Constabulary,
  - (h) the States of Jersey Police Force,
  - (i) the salaried police force of the Island of Guernsey, or
  - (j) the Isle of Man Constabulary.
- (3) An individual engaged on service with the Authority under arrangements made under this paragraph is under the direction and control of the Authority.
- (4) The Authority is liable in respect of any unlawful conduct on the part of any individual to whom sub-paragraph (3) applies in the carrying out (or purported carrying out) of that individual's functions in the same manner as an employer is liable in respect of any unlawful conduct on the part of an employee in the course of employment.

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*Terms and conditions of the Authority's staff*

- 8 (1) A member of the Authority's staff may be employed on terms and conditions determined by the Authority.
- (2) The Authority may pay or make arrangements for the payment of pensions, allowances or gratuities (including by way of compensation for loss of employment) to, or in respect of, any person who has ceased to be employed as a member of the Authority's staff.
- (3) The arrangements mentioned in sub-paragraph (2) may include—
- (a) the making of contributions or payments towards provision for pensions, allowances or gratuities mentioned there, and
  - (b) the establishment and administration of pension schemes.

*Committees and sub-committees*

- 9 (1) The Authority may establish committees for any purpose.
- (2) Any committee so established may establish sub-committees.
- (3) The members of any committee or subcommittee may include persons who are not members of the Authority but such persons are not entitled to vote at meetings.
- (4) A committee or sub-committee must not consist entirely of persons who are not members of the Authority.
- (5) The Authority may pay such remuneration, allowances and expenses as are determined by the Authority to a member of a committee or sub-committee who is not—
- (a) a constable,
  - (b) a member of the Authority,
  - (c) a member of police staff, or
  - (d) a member of the Authority's staff.

*Procedure*

- 10 (1) The Authority may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of its committees and sub-committees.
- (2) The validity of any proceedings or acts of the Authority is not affected by any—
- (a) vacancy in its membership,
  - (b) defect in the appointment of a member, or
  - (c) disqualification of a person as a member after appointment.

*Public access*

- 11 (1) The Authority must ensure that its proceedings and those of its committees and sub-committees are held in public.
- (2) Despite sub-paragraph (1), the Authority or, as the case may be, any of its committees or sub-committees may decide to hold all or part of any proceedings in private.

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- (3) The Authority must publish—
- (a) agendas for its proceedings and those of its committees and sub-committees,
  - (b) the papers relating to those proceedings,
  - (c) such reports of those proceedings as it thinks fit.
- (4) Despite sub-paragraph (3), the Authority may decide that all or part of any agenda, paper or report need not be published.
- (5) The Authority must publish a statement setting out—
- (a) the circumstances in which its proceedings and those of its committees and sub-committees may be held in private, and
  - (b) the circumstances in which agendas, papers and reports need not be published.

#### *Delegation of functions*

- 12 (1) The Authority may authorise—
- (a) any of its committees, or
  - (b) any member of the Authority's staff,
- to perform on behalf of the Authority such of its functions as it may determine to the extent so authorised.
- (2) A committee of the Authority may authorise—
- (a) any of its sub-committees, or
  - (b) any member of the Authority's staff,
- to perform on behalf of the committee such of its functions as it may determine to the extent so authorised.
- (3) Sub-paragraphs (1) and (2) do not affect the Authority's—
- (a) responsibility for performance of delegated functions, or
  - (b) ability to perform delegated functions.

#### *Location of principal offices*

- 13 Any determination by the Authority as to the location of the principal office premises of its members or of the chief constable is subject to the approval of the Scottish Ministers.

## **PART 2**

### CONSEQUENTIAL MODIFICATIONS

#### *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

- 14 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies), after the entry for “Scottish Natural Heritage” insert—  
“ Scottish Police Authority ”.

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*Freedom of Information (Scotland) Act 2002 (asp 13)*

- 15 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities) after paragraph 50 insert—  
 “50A The Scottish Police Authority.”.

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

- 16 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (specified authorities), after the entry for “Scottish Natural Heritage” insert—  
 “ Scottish Police Authority ”.

*Public Services Reform (Scotland) Act 2010 (asp 8)*

- 17 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.  
 (2) In schedule 5 (improvement of public functions: listed bodies), after the entry for “Scottish Natural Heritage” insert— “ Scottish Police Authority ”.  
 (3) In schedule 8 (information on exercise of public functions: listed public bodies), after the entry for “Scottish Natural Heritage” insert— “ Scottish Police Authority ”.

*Public Records (Scotland) Act 2011 (asp 12)*

- 18 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of that Act applies) after the entry for “Scottish Natural Heritage” insert—  
 “ Scottish Police Authority ”.

SCHEDULE 2

*(introduced by section 28(3))*

POLICE CUSTODY AND SECURITY OFFICERS: POWERS AND DUTIES

- 1 A police custody and security officer has power—
- (a) to transfer persons in legal custody from one set of relevant premises to another,
  - (b) to have custody of persons held in legal custody on court premises (whether or not such persons would otherwise be in the custody of the court) and to produce them before the court,
  - [<sup>F1</sup>(ba) to have custody of persons held in legal custody in a police station for the purpose of effecting their production, by electronic means from the station, before a court,]
  - (c) to have custody of persons temporarily held in legal custody in relevant premises while in the course of transfer from one set of such premises to another,
  - (d) to apprehend a person who was in the custody of the officer in relevant premises or in such course of transfer but who is unlawfully at large,
  - (e) to remove from relevant premises any person—
    - (i) who the officer has reasonable grounds to believe has committed or is committing an offence, or
    - (ii) who is causing a disturbance or nuisance,

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- (f) in any place to search any person who is in legal custody or is unlawfully at large,
  - (g) to search—
    - (i) any relevant premises or any other place in which there is a person in the officer's custody who is being transferred from one set of relevant premises to another,
    - (ii) any person in such premises or other place who the officer has reasonable grounds to believe has committed or is committing an offence or who is seeking access to a person in the officer's custody or to relevant premises,
  - (h) in relevant premises, or in any other place in which a person in legal custody is or may be, to require any person who the officer has reasonable grounds for suspecting has committed or is committing an offence—
    - (i) to give the person's name and address, and
    - (ii) either to remain there with the officer until a constable arrives or, where reasonable in all the circumstances, to go with the officer to the nearest police station,but only if before imposing any such requirement the officer informs the person concerned of the nature of the suspected offence and of the reason for the requirement,
  - (i) in fulfilment of the officer's duties under paragraph 2(1)(d), to apprehend any person and to detain that person in custody in the premises of the court in question,
  - (j) at a constable's direction, to photograph or take relevant physical data from any person held in legal custody, and
  - (k) to use reasonable force (which may include the use of handcuffs and other means of restraint) where and in so far as it is requisite to do so in exercising any of the other powers,
- and either (but not both) of the sets of premises mentioned in any of paragraphs (a), (c) and (g) may be situated in a part of the British Islands outwith Scotland.

#### Textual Amendments

- F1** Sch. 2 para. 1(ba) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), ss. [40\(4\)](#), [59\(1\)](#)

#### Commencement Information

- II** Sch. 2 para. 1 in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

- 2 (1) It is the duty of a police custody and security officer—
- (a) to attend to the well-being of a person in the officer's custody,
  - (b) to prevent such a person from escaping from custody,
  - (c) to prevent, or detect and report on, the commission or attempted commission by such a person of any other unlawful act,
  - (d) to act with a view to preserving good order in the premises of any court and in land connected with such premises,
  - (e) to ensure good order and discipline on the part of a person in the officer's custody (whether or not in the premises of any court or in land connected with such premises), and

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- (f) to give effect to any order of a court.
- (2) A police custody and security officer provided to the Authority by virtue of section 26(2)(b) does not have the powers and duties mentioned in this schedule in the premises of any court or in land connected with such premises.
- (3) In this schedule—
- (a) “legal custody” has the meaning given by section 295 of the Criminal Procedure (Scotland) Act 1995 (c.46),
  - (b) “relevant physical data” has the meaning given by section 18(7A) of that Act, and
  - (c) “relevant premises” means—
    - (i) the premises of any court, prison, police station or hospital (within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)), or
    - (ii) the premises of any other place from or to which a person may be required to be taken under that Act of 1995 or that Act of 2003.

**Commencement Information**

**I2** Sch. 2 para. 2 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

**[<sup>F2</sup>SCHEDULE 2A**  
*(introduced by section 55A)*

**POLICE NEGOTIATING BOARD FOR SCOTLAND**

**Textual Amendments**

**F2** Sch. 2A inserted (9.3.2023) by Criminal Justice (Scotland) Act 2016 (asp 1), s. 117(2), sch. 3; S.S.I. 2023/49, art. 2(c)

*Status of the PNBS*

- 1 (1) The PNBS—
- (a) is not a servant or agent of the Crown, and
  - (b) has no status, immunity or privilege of the Crown.
- (2) The property of the PNBS is not property of, or property held on behalf of, the Crown.

*Chairing and membership*

- 2 (1) The PNBS is to consist of—
- (a) a chairperson,
  - (b) other persons representing the interests of each of—
    - (i) the Authority,
    - (ii) the chief constable,
    - (iii) constables (other than special constables) and police cadets,



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(iv) the Scottish Ministers.

- (2) It is for the Scottish Ministers to appoint the chairperson.
- (3) Other members are to be appointed in accordance with the constitution prepared under paragraph 5.
- (4) A member of the PNBS holds and vacates office in accordance with the terms of the member's appointment.
- (5) The chairperson may—
  - (a) resign from office by giving notice in writing to the Scottish Ministers,
  - (b) be removed from office if, in the opinion of the Scottish Ministers, the person is unable, unfit or unwilling to perform the functions of the office.

#### *Temporary chairperson*

- 3 (1) The PNBS may have a temporary chairperson if (for the time being)—
  - (a) there is no chairperson, or
  - (b) the chairperson is unavailable to act.
- (2) A reference in this Chapter to the chairperson is to be read, where appropriate to do so by virtue of sub-paragraph (1), as meaning or including (as the context requires) the temporary chairperson.

#### *Disqualification from chairing*

- 4 A person is disqualified from appointment, and from holding office, as the chairperson of the PNBS if the person is or becomes—
  - (a) a member of the House of Commons,
  - (b) a member of the Scottish Parliament,
  - (c) a member of the European Parliament,
  - (d) a Minister of the Crown,
  - (e) a member of the Scottish Government,
  - (f) a civil servant.

#### *Constitution and procedure etc.*

- 5 (1) It is for the Scottish Ministers to prepare the constitution for the PNBS.
- (2) The constitution must regulate the procedure for consensus to be reached among the members of the PNBS on the terms of representations to be made under section 55B(1) or 55C(1).
- (3) The constitution—
  - (a) may require a dispute on representations to be made under section 55B(1) to be submitted to arbitration by agreement among the members to do so, and must not prevent such a dispute from being submitted to arbitration on such agreement (except prevention by way of limitation as allowed below),
  - (b) may—
    - (i) authorise the chairperson to submit such a dispute to arbitration without such agreement,

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- (ii) limit how often within a reporting year such a dispute can be submitted to arbitration (including limitation framed by reference to particular matters or circumstances).
- (4) The constitution may contain provision about—
  - (a) membership (including number of members to represent each of the interests mentioned in paragraph 2(1)(b)),
  - (b) internal organisation (for example, committees and office-holders),
  - (c) procedures to be followed (including conduct of meetings),
  - (d) the content of a report required by section 55E,
  - (e) such other matters as the Scottish Ministers consider appropriate.
- (5) The Scottish Ministers—
  - (a) must keep the constitution under review,
  - (b) may revise it from time to time.
- (6) Before preparing or revising the constitution, the Scottish Ministers must consult—
  - (a) the Authority,
  - (b) the chief constable, and
  - (c) persons representing the interests of constables (other than special constables) and police cadets.
- (7) The constitution, or any revision of it, has effect only when brought into effect by the Scottish Ministers by regulations.

#### *Process of arbitration*

- 6 (1) Sub-paragraph (2) applies where—
  - (a) a dispute is submitted to arbitration in accordance with the constitution, and
  - (b) no arbitration agreement relating to the dispute is in place.
- (2) A document submitting the dispute to arbitration is deemed to be an arbitration agreement.
- (3) For the application of the Arbitration (Scotland) Act 2010, a reference in this paragraph to an arbitration agreement is to such an agreement as defined by section 4 of that Act.
- 7 (1) Sub-paragraph (2) applies for the purpose of arbitration in accordance with the constitution (whether such arbitration arises by reason of a real or deemed arbitration agreement).
- (2) Regulations under paragraph 5(7) may include provisions disapplying or modifying the mandatory rules in schedule 1 to the Arbitration (Scotland) Act 2010.
- 8 (1) Sub-paragraph (2) applies for the purpose of the operation of section 55D.
- (2) Regulations under paragraph 5(7) may include provisions specifying, by reference to particular matters or circumstances, what are qualifying cases.

#### *Remuneration and expenses*

- 9 (1) The Scottish Ministers may pay—
  - (a) such remuneration to the chairperson of the PNBS as they think fit,

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- (b) such expenses of the members of the PNBS as they think fit.
- (2) The Scottish Ministers must pay such expenses as they consider are reasonably required to be incurred to enable the PNBS to carry out its functions.]

### SCHEDULE 3

(introduced by section 56(3))

#### POLICE APPEALS TRIBUNALS

##### *Constitution and membership*

- 1 (1) A police appeals tribunal is to consist of 3 members, one of whom is to be appointed to chair the tribunal.
- (2) The Lord President of the Court of Session must—
- (a) establish and maintain a panel of persons who may be appointed as members of a police appeals tribunal, and
- (b) from that panel, appoint the members (including the chairing member) of the tribunal.
- (3) Every member of the panel must be, and have been for the period of 5 years immediately prior to the member's appointment, either—
- (a) a solicitor holding a practising certificate in accordance with Part 2 of the Solicitors (Scotland) Act 1980 (c.46), or
- (b) a member of the Faculty of Advocates practising as an advocate in Scotland.

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#### **Commencement Information**

**I3** Sch. 3 para. 1 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

##### *Member remuneration, allowances and expenses*

- 2 The Authority is to pay to the members of a police appeals tribunal such remuneration, allowances and expenses as the Scottish Ministers may determine.

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#### **Commencement Information**

**I4** Sch. 3 para. 2 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

##### *Expenses of proceedings*

- 3 (1) The appellant is liable for the expenses incurred by the appellant in making an appeal.
- (2) But the police appeals tribunal may direct that some or all of the appellant's expenses must be paid by the Authority.
- (3) The other expenses of the appeal (including the expenses of the respondent) must be paid by the Authority.

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**Commencement Information**

**I5** Sch. 3 para. 3 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Police appeals tribunal rules*

- 4 The Scottish Ministers may make rules about the procedure on appeals to a police appeals tribunal including, in particular, provision about—
- (a) the notices required to start an appeal,
  - (b) the identity of the respondent, and
  - (c) holding hearings in private.

**Commencement Information**

**I6** Sch. 3 para. 4 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

**SCHEDULE 4**

*(introduced by section 98(4))*

**PERIOD BEFORE ESTABLISHMENT OF POLICE SERVICE**

- 1 This schedule applies during the period before the day on which the Police Service is established (being the day appointed under section 129(2) for the coming into force of section 6).
- 2 An appointment under section 7 has effect only where the individual has made the declaration set out in section 10 before a sheriff or justice of the peace.
- 3 An individual appointed under section 7—
- (a) holds the office of constable,
  - (b) is to hold and vacate office on such terms and conditions as the Scottish Ministers may determine,
  - (c) has power to do anything that the individual considers appropriate in anticipation of—
    - (i) the establishment of the Police Service, or
    - (ii) the coming into force of any provision of this Act, and
  - (d) in the case of the chief constable, is accountable to the Authority.
- 4 Sections 18, 19, 21(1) and (2), 22 and 23 apply in relation to an individual who is so appointed as if those sections were in force.
- 5 Despite paragraph 2(1) of schedule 1, the Authority may consist of—
- (a) the chairing member, or
  - (b) the chairing member and fewer than 10 other members.
- 6 It is for the Authority to hold the chief constable to account for the performance of senior officers' functions.
- 7 The Authority may—
- (a) pay remuneration and allowances to, and reimburse expenses reasonably incurred by, senior officers, and

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- (b) provide and maintain anything necessary or desirable in connection with the functions of senior officers.
- 8 The reference in section 4(1) to the Authority's functions includes a reference to any functions which the Authority anticipates having by virtue of the coming into force of any provision of this Act.

## SCHEDULE 5

(introduced by section 98(5))

### TRANSFER OF CONSTABLES, STAFF AND PROPERTY ETC.

#### *Interpretation*

- 1 In this schedule—
- “appointed day” has the meaning given by paragraph 2,
  - “joint police board” means a joint police board constituted by an amalgamation scheme made under the 1967 Act,
  - “member of the Authority's staff” means a member of police staff appointed to assist the Authority in the carrying out of its functions,
  - “police authority” has the same meaning as in the 1967 Act,
  - “police force” means a police force maintained under the 1967 Act,
  - “police member of the SCDEA” means an individual appointed in accordance with paragraph 7 of schedule 2 to the 2006 Act,
  - “SCDEA” means the Scottish Crime and Drug Enforcement Agency,
  - “SPSA” means the Scottish Police Services Authority,
  - “the 1967 Act” means the Police (Scotland) Act 1967 (c.77),
  - “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10).

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#### **Commencement Information**

**I7** Sch. 5 para. 1 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

#### *Appointed day*

- 2 (1) The “appointed day”, for the purposes of this schedule, means—
- (a) the day on which the Police Service is established (being the day appointed under section 129(2) for the coming into force of section 6), or
  - (b) such other day as the Scottish Ministers may by order appoint.
- (2) An order under sub-paragraph (1)(b) may appoint different days for different purposes.

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#### **Commencement Information**

**I8** Sch. 5 para. 2 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

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*Constables to continue to hold office and rank*

- 3 (1) Sub-paragraphs (2) to (6) apply to an individual who, immediately before the appointed day, holds the office of constable by virtue of being appointed in accordance with the 1967 Act (including any individual who, immediately before that day, is engaged in service which is “relevant service” for the purposes of section 38A of the 1967 Act).
- (2) An individual to whom this sub-paragraph applies is, on and after the appointed day—
- (a) to hold the office of constable,
  - (b) to be treated as having made the declaration required by section 10, and
  - (c) to otherwise be treated as having been appointed in accordance with this Act as a constable of the Police Service.
- (3) Paragraphs 6 to 8 make provision for the transfer of an individual to whom this sub-paragraph applies on the appointed day.
- (4) Subject to paragraphs 5(2) and (4) and 8(6), an individual to whom this sub-paragraph applies is, on the appointed day, to be transferred in accordance with this schedule at the same rank as the individual holds immediately before the appointed day.
- (5) Sub-paragraph (4) does not affect any temporary promotion arrangements which are in place immediately before the appointed day.
- (6) Any contractual terms on which an individual to whom this sub-paragraph applies is appointed to serve as a constable to a police force (for example, in relation to fixed periods of tenure of constables holding the rank of superintendent or above) are, on and after the appointed day, to have effect as if the appointment were originally an appointment to serve as a constable of the Police Service.

**Commencement Information**

**I9** Sch. 5 para. 3 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Senior officers appointed under section 7*

- 4 An individual who, immediately before the appointed day, holds the office of chief constable, deputy chief constable or assistant chief constable by virtue of appointment in accordance with section 7 is, on and after the appointed day, to serve as a constable of the Police Service.

**Commencement Information**

**I10** Sch. 5 para. 4 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Senior officers*

- 5 (1) Sub-paragraph (2) applies to an individual who—
- (a) holds the rank of chief constable immediately before the appointed day,
  - (b) is not appointed to the office of chief constable of the Police Service in accordance with section 7, and

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- (c) is, in accordance with this schedule, transferred to serve as a constable of the Police Service.
- (2) An individual to whom this sub-paragraph applies is, on and after the appointed day, to be treated as having been appointed to the office of deputy chief constable in accordance with section 7 (and accordingly to hold the rank of deputy chief constable) but is otherwise to continue to have the same conditions of service, including rates of pay, as if the individual had continued to be the chief constable of the police force which has ceased to exist.
- (3) Sub-paragraph (4) applies to an individual who—
- (a) holds the rank of deputy chief constable immediately before the appointed day,
  - (b) is not appointed to the office of chief constable, or to the office of deputy chief constable, of the Police Service in accordance with section 7, and
  - (c) is, in accordance with this schedule, transferred to serve as a constable of the Police Service.
- (4) An individual to whom this sub-paragraph applies is, on and after the appointed day, to be treated as having been appointed to the office of assistant chief constable in accordance with section 7 (and accordingly to hold the rank of assistant chief constable) but is otherwise to continue to have the same conditions of service, including rates of pay, as if the individual had continued to be the deputy chief constable of the police force which has ceased to exist or, as the case may be, the Director General of the SCDEA.
- (5) An individual who is, in accordance with this schedule, transferred to serve as a constable of the Police Service at the rank of assistant chief constable is, on and after the appointed day, to be treated as having been appointed to the office of assistant chief constable of the Police Service in accordance with section 7.

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**Commencement Information**

**I11** Sch. 5 para. 5 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Constables serving in police forces*

- 6 Any individual serving as a constable of a police force immediately before the appointed day (including anyone on temporary service from another police force) is, on the appointed day, to transfer to serve as a constable of the Police Service.

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**Commencement Information**

**I12** Sch. 5 para. 6 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Constables serving in SPSSA 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.

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- (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**

**I13** [Sch. 5 para. 7](#) in force at 1.10.2012 by [S.S.I. 2012/253](#), [art. 2](#), [Sch.](#)

*Constables – temporary service arrangements*

- 8 (1) Sub-paragraph (2) applies where, by virtue of any arrangement made or consent given, an individual is, immediately before the appointed day, engaged in service as a constable of a police force.
- (2) Where this sub-paragraph applies—
  - (a) the arrangement or consent is, on and after the appointed day, to have effect as if it were an arrangement or consent for the individual to be engaged in service as a constable of the Police Service, and
  - (b) the individual concerned is, on the appointed day, accordingly to transfer to be engaged in such service.
- (3) Sub-paragraph (4) applies where, by virtue of any arrangement made or consent given, a constable of a police force is, immediately before the appointed day,



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engaged in service outwith that force which is “relevant service” for the purposes of section 38A of the 1967 Act.

- (4) Where this sub-paragraph applies—
- (a) the arrangement or consent is, on and after the appointed day, to have effect as if it were an arrangement or consent for the individual to be engaged in service outwith the Police Service,
  - (b) the individual concerned is, on the appointed day, accordingly to continue to be engaged in such service, and
  - (c) the individual's rights under section 38A(3)(a) of the 1967 Act are, on and after the appointed day, to be treated as having arisen under section 15 of this Act.
- (5) Sub-paragraph (6) applies to an individual who—
- (a) is to revert to the Police Service by virtue of sub-paragraph (4)(c),
  - (b) would have (but for this paragraph) reverted to the individual's police force at the rank of deputy chief constable, and
  - (c) is not appointed to the office of deputy chief constable of the Police Service in accordance with section 7.
- (6) An individual to whom this sub-paragraph applies is, on and after the date that the individual reverts to the Police Service by virtue of sub-paragraph (4)(c), to be treated as having been appointed to the office of assistant chief constable in accordance with section 7 (and accordingly is to hold the rank of assistant chief constable) but is otherwise to continue to have the same conditions of service, including rates of pay, as if the individual had continued to be a deputy chief constable of the police force which has ceased to exist.
- (7) An individual who reverts to the Police Service by virtue of sub-paragraph (4)(c) at the rank of assistant chief constable is, on and after the day of reversion, to be treated as having been appointed to the office of assistant chief constable of the Police Service in accordance with section 7.
- (8) This paragraph does not apply in relation to an individual transferred under paragraph 6 or 7.

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**Commencement Information**

**I14** Sch. 5 para. 8 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Acts done before transfer*

- 9
- (1) Anything done before the appointed day by or in relation to a police authority, a joint police board, the SPSA or the SCDEA in respect of an individual transferred under any of paragraphs 6 to 8 is to be treated on and after that day as having been done by or in relation to the Scottish Police Authority.
  - (2) Anything done before the appointed day by or in relation to a chief constable of a police force or the Director General of the SCDEA in respect of an individual transferred under any of paragraphs 6 to 8 is to be treated on and after that day as having been done by or in relation to the chief constable of the Police Service.

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- (3) Anything done before the appointed day by or in relation to a constable of a police force or a police member of the SCDEA in respect of an individual transferred under any of paragraphs 6 to 8 is to be treated on and after that day as having been done by or in relation to a constable of the Police Service.

**Commencement Information**

**I15** Sch. 5 para. 9 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Limitation on mobility of transferred constables*

- 10 (1) Sub-paragraph (2) applies to a constable of the Police Service who, immediately before the appointed day, is a constable of a police force (including any such constable who is, at that time, engaged in service outwith that force).
- (2) A constable to whom this sub-paragraph applies must not be assigned duties which, in the opinion of the Scottish Ministers, would necessitate that constable moving home to a place outwith what was the area of the police force which has ceased to exist.
- (3) Sub-paragraph (2) does not apply to a constable who, immediately before the appointed day, is engaged in service outwith that constable's force until—
- (a) in the case of a constable who is not, on the appointed day, transferred in accordance with this schedule to serve as a constable of the Police Service, such time as the constable reverts to so serve, and
  - (b) in the case of a constable who is, on the appointed day, transferred in accordance with this schedule to serve as a constable of the Police Service, such time as the chief constable may determine.
- (4) Sub-paragraph (2) ceases to apply to a constable if, on or after the appointed day, the constable—
- (a) is or becomes a senior officer of the Police Service,
  - (b) is promoted to a higher rank,
  - (c) gives the chief constable written consent to the lifting of the limitation imposed by sub-paragraph (2).

**Commencement Information**

**I16** Sch. 5 para. 10 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Transfer of police staff*

- 11 (1) An individual is a “police employee” for the purposes of this paragraph if the individual—
- (a) is employed, immediately before the appointed day—
    - (i) by a joint police board under section 9 of the 1967 Act (or is otherwise employed by a joint police board),
    - (ii) by the SPSA under paragraph 9(1) or 10(1) of schedule 1 to the 2006 Act, or

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- (b) being an employee of a local authority, is identified by a staff transfer scheme made under paragraph 12 as an individual, or type of individual, who is to be treated as a police employee.
- (2) A police employee's contract of employment has effect on and after the appointed day as if originally made between the employee and the Scottish Police Authority.
  - (3) It is for the Scottish Police Authority to determine whether a police employee is, on and after the appointed day, to be treated as having been appointed as a member of the police staff under section 26 or as a member of the Authority's staff under paragraph 6 of schedule 1.
  - (4) The rights, powers, duties and liabilities of the relevant authority under or in connection with the contract of employment are by virtue of this paragraph transferred to the Scottish Police Authority on the appointed day.
  - (5) Anything done before the appointed day by or in relation to the relevant authority in respect of the contract of employment or the police employee is to be treated on and after that day as having been done by or in relation to the Scottish Police Authority.
  - (6) If, before the appointed day, a police employee informs the relevant authority that the person does not wish to become an employee of the Scottish Police Authority—
    - (a) sub-paragraphs (2), (4) and (5) do not apply in relation to the police employee, and
    - (b) the employee's contract of employment is terminated on the appointed day.
  - (7) A police employee is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the employee.
  - (8) Nothing in this paragraph affects any right of a police employee to terminate the police employee's contract of employment if a substantial detrimental change in the police employee's working conditions is made.
  - (9) No such right arises by reason only that, by virtue of this paragraph, the identity of the police employee's employer changes.
  - (10) In this paragraph “relevant authority” means the joint police board or authority which employs the individual concerned immediately before the appointed day.

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**Commencement Information**

**I17** Sch. 5 para. 11 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Staff transfer scheme*

- 12 (1) The Scottish Ministers may make a staff transfer scheme.
- (2) A staff transfer scheme is a scheme which—
  - (a) identifies or prescribes methods for identifying individuals, or types of individuals, employed by local authorities who are to be treated as police employees for the purposes of paragraph 11,
  - (b) makes such further provision (including any incidental, consequential, supplementary, transitional, transitory or saving provision) for or in

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connection with the transfer of individuals identified by or under the scheme to the Scottish Police Authority as the Scottish Ministers think fit.

- (3) Before making a staff transfer scheme, the Scottish Ministers must consult any local authority or other person whose rights, liabilities and obligations (or any of them) are to be transferred by virtue of the scheme.

**Commencement Information**

**I18** Sch. 5 para. 12 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Police staff appointed under contract for services*

- 13 (1) A contract for services entered into by a police authority or a joint police board for the purposes of section 9(1)(b) of the 1967 Act has effect on and after the appointed day as if originally entered into by the Scottish Police Authority.
- (2) Accordingly, any individual who, immediately before the appointed day, is appointed by a police authority or a joint police board under section 9(1)(b) of the 1967 Act is, on and after the appointed day, to be treated as having been provided to the Scottish Police Authority in accordance with arrangements made by virtue of section 26(2)(b).
- (3) The rights, powers, duties and liabilities of the police authority or the joint police board under or in connection with the contract for services are by virtue of this paragraph transferred to the Scottish Police Authority on the appointed day.
- (4) Anything done before the appointed day by or in relation to the police authority or the joint police board in respect of the contract for services or an individual falling with sub-paragraph (2) is to be treated on and after that day as having been done by or in relation to the Scottish Police Authority.

**Commencement Information**

**I19** Sch. 5 para. 13 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Police cadets*

- 14 An individual who, immediately before the appointed day, is a police cadet by virtue of appointment under section 8 of the 1967 Act is, on and after the appointed day, to be treated as having been appointed in accordance with section 25 of this Act.

**Commencement Information**

**I20** Sch. 5 para. 14 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Police custody and security officers*

- 15 An individual who is, immediately before the appointed day, certified as a police custody and security officer under section 9(1A) of the 1967 Act is, on and after the appointed day, to be treated as having been certified as such an officer under section 28(1).

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**Commencement Information**

**I21** Sch. 5 para. 15 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Her Majesty's inspectorate of constabulary in Scotland*

- 16 (1) An individual who, immediately before the day on which section 71 comes into force, holds office as an inspector of constabulary by virtue of appointment under section 33 of the 1967 Act is, on and after that day, to be treated as having been appointed under section 71.
- (2) An individual who, immediately before the day on which section 72 comes into force, is an assistant inspector of constabulary by virtue of appointment under section 34(1) of the 1967 Act is, on and after that day, to be treated as having been appointed under section 72.
- (3) An individual who, immediately before the day on which section 73 comes into force, is a staff officer to the inspectors of constabulary by virtue of appointment under section 34 of the 1967 Act is, on and after that day, to be treated as having been appointed under section 73.

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**Commencement Information**

**I22** Sch. 5 para. 16 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Police property transfer scheme: transfers to Scottish Police Authority*

- 17 (1) The Scottish Ministers may make a police property transfer scheme.
- (2) A police property transfer scheme is a scheme making provision for or in connection with the transfer to the Scottish Police Authority or the chief constable appointed in accordance with section 7 of property, rights, liabilities and obligations of—
- the Scottish Ministers,
  - a local authority,
  - a joint police board,
  - the SPSA, or
  - a chief constable of a police force.
- (3) A police property transfer scheme may make provision by virtue of sub-paragraph (2) only in so far as the property, rights, liabilities and obligations relate to the Authority's functions or police functions.
- (4) A person mentioned in sub-paragraph (2)(b), (c) or (e) must provide the Scottish Ministers with such information or assistance as they may reasonably require for the purposes of or in connection with the making of a police property transfer scheme.
- (5) On the transfer date—
- any property or rights to which a police property transfer scheme applies transfers to and vests in the Scottish Police Authority or, as the case may be, the chief constable,

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- (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of the Scottish Police Authority or, as the case may be, the chief constable.
- (6) A police property transfer scheme may make provision for the payment by the Scottish Police Authority of compensation in respect of property and rights transferred by virtue of the scheme.

**Commencement Information**

**I23** Sch. 5 para. 17 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Property transfer scheme: transfers to local authorities*

- 18 (1) The Scottish Ministers may make a local authority property transfer scheme.
- (2) A local authority property transfer scheme is a scheme making provision for or in connection with the transfer to a specified local authority of property, rights, liabilities and obligations of a joint police board.
- (3) A joint police board must provide the Scottish Ministers with such information or assistance as they may reasonably require for the purposes of or in connection with the making of a local authority property transfer scheme.
- (4) On the transfer date—
- (a) any property or rights to which a local authority property transfer scheme applies transfers to and vests in the specified local authority,
  - (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of the specified local authority.
- (5) A local authority property transfer scheme may make provision for the payment by a local authority of compensation in respect of property and rights transferred by virtue of the scheme.
- (6) In this paragraph, “specified” means specified in the local authority property transfer scheme.

**Commencement Information**

**I24** Sch. 5 para. 18 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Property transfer schemes: general*

- 19 (1) This paragraph applies in relation to a scheme under paragraph 17 or 18.
- (2) The scheme must specify a date (the “transfer date”) on which the transfer is to take effect.
- (3) The scheme may—
- (a) specify different dates in relation to different property, rights, liabilities and obligations,
  - (b) make different provision in relation to different cases or classes of case.

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- (4) The scheme may make provision for the creation of rights, or the imposition of liabilities or obligations, in relation to the property, rights, liabilities or obligations transferred by virtue of the scheme.
- (5) The scheme may make provision requiring the person to whom property is transferred by the scheme to comply with requirements or conditions specified by the Scottish Ministers in relation to the property.
- (6) A requirement or condition specified under sub-paragraph (5) may include in particular—
  - (a) a requirement that the property may not be disposed of unless the Scottish Ministers consent,
  - (b) a condition in relation to use of the property.
- (7) A certificate issued by the Scottish Ministers that any property, right, liability or obligation has, or has not, been transferred by virtue of a police property transfer scheme is conclusive evidence of the transfer or the fact that there has not been a transfer.
- (8) The scheme may make provision about the continuation of legal proceedings.
- (9) The scheme may include such incidental, consequential, supplementary, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.

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**Commencement Information**

**I25** Sch. 5 para. 19 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Transfer of liabilities of chief constables etc.*

- 20 By virtue of this paragraph, any liabilities of a chief constable of a police force under section 39 of the 1967 Act and of the Director General of the SCDEA under section 22 of the 2006 Act are, on and after the appointed day, to be treated as liabilities of the chief constable of the Police Service under section 24 of this Act.

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**Commencement Information**

**I26** Sch. 5 para. 20 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

SCHEDULE 6

(introduced by section 121)

TRANSFER OF STAFF, PROPERTY ETC.

*Interpretation*

- 1 In this schedule—  
“appointed day” means such day as the Scottish Ministers may by order appoint (and different days may be appointed for different purposes),

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“joint board” means a joint fire and rescue board constituted by a scheme made under section 2(1) of the 2005 Act,

“relevant employer”, in relation to—

- (a) a person employed by a local authority, means the local authority with which the person has a contract of employment,
- (b) a person who is a member of the staff of the Scottish Ministers, means the Scottish Ministers,

“transfer day”, in relation to a person, means the day on which a staff transfer scheme comes into force in relation to the person,

“transferring employee” means a person who, immediately before the appointed day, is an employee of a joint board.

**Modifications etc. (not altering text)**

**C1** Sch. 6 para. 1 power exercised: 1.4.2013 appointed for the purposes of sch. 6 by S.S.I. 2012/333, art. 4

**Commencement Information**

**I27** Sch. 6 para. 1 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Joint board staff*

- 2 (1) A transferring employee's contract of employment has effect on and after the appointed day as if originally made between the employee and SFRS.
- (2) The rights, powers, duties and liabilities of the joint board under or in connection with the contract of employment are by virtue of this paragraph transferred to SFRS on the appointed day.
- (3) Anything done before the appointed day by or in relation to the joint board in respect of the contract of employment or the transferring employee is to be treated on and after that day as having been done by or in relation to SFRS.
- (4) If, before the appointed day, a transferring employee informs the joint board that the person does not wish to become an employee of SFRS—
- (a) sub-paragraphs (1) to (3) do not apply in relation to the transferring employee, and
  - (b) the transferring employee's contract of employment is terminated on the appointed day.
- (5) A transferring employee is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the employee.
- (6) Nothing in this paragraph affects any right of a transferring employee to terminate the employee's contract of employment if a substantial detrimental change in the employee's working conditions is made.
- (7) No such right arises by reason only that, by virtue of this paragraph, the identity of the transferring employee's employer changes.

**Commencement Information**

**I28** Sch. 6 para. 2 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.



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*Local authority staff and civil servants*

- 3
- (1) The Scottish Ministers may make a staff transfer scheme.
  - (2) A staff transfer scheme is a scheme making provision for or in connection with the transfer to SFRS of persons who are—
    - (a) employed by a local authority, or
    - (b) members of the staff of the Scottish Ministers.
  - (3) A staff transfer scheme may in particular—
    - (a) prescribe rules by which the transfer of specified persons, or classes of specified person, can be determined,
    - (b) provide that specified persons, or classes of specified person, are to become employees of SFRS.
  - (4) A staff transfer scheme may make provision only in relation to persons whose employment relates to the carrying out of functions conferred on SFRS by or under the 2005 Act or any other enactment.
  - (5) In this paragraph, “specified” means specified in a staff transfer scheme.

**Commencement Information**

**I29** Sch. 6 para. 3 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Transfers under paragraph 3: effect on contract of employment*

- 4
- (1) This paragraph applies where—
    - (a) a person is to be transferred by virtue of a staff transfer scheme, and
    - (b) immediately before the transfer day the person has a contract of employment with a relevant employer.
  - (2) The contract of employment has effect on and after the transfer day as if originally made between the person and SFRS.
  - (3) The rights, powers, duties and liabilities of the relevant employer under or in connection with the contract of employment are by virtue of this paragraph transferred to SFRS on the transfer day.
  - (4) Anything done before the transfer day by or in relation to the relevant employer in respect of the contract of employment or the person is to be treated on and after that day as having been done by or in relation to SFRS.
  - (5) If, before the transfer day, the person informs the relevant employer that the person does not wish to become an employee of SFRS—
    - (a) sub-paragraphs (2) to (4) do not apply in relation to the person, and
    - (b) the person's contract of employment is terminated on the day before the transfer day.
  - (6) A person is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the person.

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- (7) Nothing in this paragraph affects any right of a person to terminate the person's contract of employment if a substantial detrimental change in the person's working conditions is made.
- (8) No such right arises by reason only that, by virtue of this paragraph, the identity of the person's employer changes.
- (9) Before making a staff transfer scheme under paragraph 3, the Scottish Ministers must consult any local authority or other person whose rights, liabilities and obligations (or any of them) are to be transferred by virtue of the scheme.

#### Commencement Information

**I30** Sch. 6 para. 4 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

#### *Property transfer scheme: transfers to SFRS*

- 5 (1) The Scottish Ministers may make an SFRS property transfer scheme.
- (2) An SFRS property transfer scheme is a scheme making provision for or in connection with the transfer to SFRS of property, rights, liabilities and obligations of—
  - (a) the Scottish Ministers,
  - (b) a local authority,
  - (c) a joint board.
- (3) An SFRS property transfer scheme may make provision by virtue of sub-paragraph (2) only in so far as the property, rights, liabilities and obligations relate to functions of SFRS conferred by or under the 2005 Act or any other enactment.
- (4) A person mentioned in sub-paragraph (2)(b) or (c) must provide the Scottish Ministers with such information or assistance as they may reasonably require for the purposes of or in connection with the making of an SFRS property transfer scheme.
- (5) On the transfer date—
  - (a) any property or rights to which an SFRS property transfer scheme applies transfers to and vests in SFRS,
  - (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of SFRS.
- (6) An SFRS property transfer scheme may make provision for the payment by SFRS of compensation in respect of property and rights transferred by virtue of the scheme.

#### Commencement Information

**I31** Sch. 6 para. 5 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

#### *Property transfer scheme: transfers to local authorities*

- 6 (1) The Scottish Ministers may make a local authority property transfer scheme.

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**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012 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

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- (2) A local authority property transfer scheme is a scheme making provision for or in connection with the transfer to a specified local authority of property, rights, liabilities and obligations of a specified joint board.
- (3) A joint board must provide the Scottish Ministers with such information or assistance as they may reasonably require for the purposes of or in connection with the making of a local authority property transfer scheme.
- (4) On the transfer date—
  - (a) any property or rights to which a local authority property transfer scheme applies transfers to and vests in the specified local authority,
  - (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of the specified local authority.
- (5) A local authority property transfer scheme may make provision for the payment by a local authority of compensation in respect of property and rights transferred by virtue of the scheme.
- (6) In this paragraph, “specified” means specified in the local authority property transfer scheme.

**Commencement Information**

**I32** Sch. 6 para. 6 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Property transfer schemes: general*

- 7
- (1) This paragraph applies in relation to a scheme under paragraph 5 or 6.
  - (2) The scheme must specify a date (the “transfer date”) on which the transfer is to take effect.
  - (3) The scheme may—
    - (a) specify different dates in relation to different property, rights, liabilities and obligations,
    - (b) make different provision in relation to different cases or classes of case.
  - (4) The scheme may make provision for the creation of rights, or the imposition of obligations or liabilities, in relation to the property, rights, liabilities or obligations transferred by virtue of the scheme.
  - (5) The scheme may make provision requiring the person to whom property is transferred by the scheme to comply with requirements or conditions specified by the Scottish Ministers in relation to the property.
  - (6) A requirement or condition specified under sub-paragraph (5) may include in particular—
    - (a) a requirement that the property may not be disposed of unless the Scottish Ministers consent,
    - (b) a condition in relation to use of the property.
  - (7) A certificate issued by the Scottish Ministers that any property, right, liability or obligation has, or has not, been transferred by virtue of the scheme is conclusive evidence of the transfer or the fact that there has not been a transfer.

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- (8) The scheme may in particular make provision about the continuation of legal proceedings.

**Commencement Information**

**I33** Sch. 6 para. 7 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Transfer schemes: additional provision*

- 8 A staff transfer scheme or a property transfer scheme under paragraph 5 or 6 may include such incidental, consequential, supplementary, transitional, transitory or saving provision as the Scottish Ministers consider appropriate.

**Commencement Information**

**I34** Sch. 6 para. 8 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

SCHEDULE 7

*(introduced by section 128(1))*

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

AMENDMENTS RELATING TO PART 1

*Police (Scotland) Act 1967 (c.77)*

<sup>F3</sup>1 .....

**Textual Amendments**

**F3** Sch. 7 para. 1 omitted (1.4.2013) by virtue of *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602)*, art. 1(2), **Sch. 2 para. 65**

**Commencement Information**

**I35** Sch. 7 para. 1 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Health and Safety at Work etc. Act 1974 (c.37)*

- 2 In section 51A of the Health and Safety at Work etc. Act 1974 (application of Part to police)—
- (a) in subsection (2E), for paragraph (a) substitute—
- “(a) section 24 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);”

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- (b) in subsection (3)(b), for “each chief officer of police in Scotland” substitute “the chief constable of the Police Service of Scotland”.

**Commencement Information**

**I36** Sch. 7 para. 2 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Rehabilitation of Offenders Act 1974 (c.53)*

- 3 In section 9B of the Rehabilitation of Offenders Act 1974 (unauthorised disclosure of spent alternatives to prosecution: Scotland), in subsection (1)(a)(ii), after “court,” insert “the Police Service of Scotland or another”.

**Commencement Information**

**I37** Sch. 7 para. 3 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Slaughter of Animals (Scotland) Act 1980 (c.13)*

- 4 In section 22 of the Slaughter of Animals (Scotland) Act 1980 (interpretation), in the definition of “constable” for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

**Commencement Information**

**I38** Sch. 7 para. 4 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)*

- 5 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Part I, in Group B—
- (a) after paragraph (f) insert—  
“(fa) members and staff of the Scottish Police Authority;”,
  - (b) for paragraph (i) substitute—  
“(i) constables of the Police Service of Scotland (including constables engaged on temporary service within the meaning of section 15 of the Police and Fire Reform (Scotland) Act 2012 (asp 8));”,
  - (c) for paragraph (n) substitute—  
“(n) persons appointed under section 26(1) of the Police and Fire Reform (Scotland) Act 2012;”,
  - (d) after paragraph (w) insert—  
“(wza) persons who, at any time within the 5 years immediately preceding the date at which the eligibility, in terms of section 1 of this Act, for jury service is being considered, were members or employees of the Scottish Police Services Authority;”.

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### Commencement Information

**I39** Sch. 7 para. 5 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Civic Government (Scotland) Act 1982 (c.45)*

- 6 (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 8 (interpretation of Parts 1 and 2)—
- (a) for paragraph (a) of the definition of “authorised civilian employee” substitute—
- “(a) appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8); and”,
- (b) for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (3) In section 61(2) (protection of insecure premises), for “police authority” substitute “ Scottish Police Authority ”.
- (4) In section 62(12) (notification of processions), for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland; and”.
- (5) In section 77(1) (financial provisions relating to lost or abandoned property) for the words from “police” where it first occurs to “1967” substitute “ Scottish Police Authority ”.
- (6) In section 79 (interpretation of Part 4), for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (7) In section 85(1) (financial provisions: property of persons in custody) for the words from “police” where it first occurs to “1967” substitute “ Scottish Police Authority ”.
- (8) In section 86(1) (interpretation of Part 7 etc.) for the words from “for” where it first occurs to the end substitute “ of the Police Service of Scotland. ”.
- (9) In section 86D (duty of care etc.), for “the proviso to section 17(3)(b) of the Police (Scotland) Act 1967” substitute “ section 17(3)(a) of the Police and Fire Reform (Scotland) Act 2012 ”.
- (10) In section 86F (retention of relevant property by police authority)—
- (a) in subsection (1)—
- (i) for “a chief constable” substitute “ the chief constable ”,
- (ii) for “police authority” substitute “ Scottish Police Authority ”,
- (b) the title of the section becomes “ **Retention of relevant property by Scottish Police Authority** ”.

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**Changes to legislation:** *Police and Fire Reform (Scotland) Act 2012 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*

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- (11) In section 86J (references in Part 7A to “chief constable”), for the words from “for” where it first occurs to the end substitute “ of the Police Service of Scotland. ”.
- (12) In paragraph 3 of Schedule 2 (definitions)—
- (a) in the definition of “authorised civilian employee”, for paragraph (a) substitute—
- “(a) appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8); and”,
- (b) for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (13) In Schedule 2A (retention and disposal of certain property)—
- (a) in paragraph 3, for the words “the proviso to section 17(3)(b) of the Police (Scotland) Act 1967” substitute “ section 17(3)(a) of the Police and Fire Reform (Scotland) Act 2012 ”,
- (b) in paragraph 8, for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.

#### Commencement Information

**I40** Sch. 7 para. 6 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Roads (Scotland) Act 1984 (c.54)*

- 7 (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 33(2) (snow gates), in the entry beginning with “constable” for the words from “sections” to “(interpretation)” substitute “ section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
- (3) In section 37(1)(a) (consultation and local inquiries as regards road humps), for the words from “officer” to “situated” substitute “ constable of the Police Service of Scotland ”.
- (4) In section 59(5) (control of obstructions in roads), for “police authority” substitute “ Scottish Police Authority ”.
- (5) In section 86 (removal of builders' skips causing danger or obstruction)—
- (a) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”,
- (b) in subsection (5), for “police authority” (in both places where it occurs) substitute “ Scottish Police Authority ”,
- (c) in subsection (6), for “police authority” substitute “ Scottish Police Authority ”.
- (6) In section 98 (control of stray and other animals on roads)—
- (a) in subsection (2), for “police authority” substitute “ Scottish Police Authority ”,

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- (b) in subsection (3), for “police authority” substitute “ Scottish Police Authority ”,
- (c) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”.

(7) After section 120, insert—

**“120A Delegation by the Scottish Police Authority**

- (1) The Scottish Police Authority may delegate to the chief constable of the Police Service of Scotland any of its functions under the sections mentioned in subsection (2).
- (2) The sections are—
  - (a) section 59;
  - (b) section 86; and
  - (c) section 98.”.

**Commencement Information**

**I41** Sch. 7 para. 7 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Prisons (Scotland) Act 1989 (c.45)*

- 8 In section 14 of the Prisons (Scotland) Act 1989 (legalised police cells)—
- (a) in subsection (1)—
    - (i) for “a police authority” substitute “ the Scottish Police Authority ”,
    - (ii) for “police authority” where it second occurs substitute “ Scottish Police Authority ”,
  - (b) in subsection (3), in the proviso, for “police authority” substitute “ Scottish Police Authority ”,
  - (c) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”,
  - (d) in subsection (5), for the words from “police” to “cells” substitute “ Scottish Police Authority ”.

**Commencement Information**

**I42** Sch. 7 para. 8 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Criminal Justice and Public Order Act 1994 (c.33)*

- 9 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 102(5) (arrangements for the provision of prisoner escorts), for “prescribed under section 9(1A)(b) of the Police (Scotland) Act 1967 (c.77)” substitute “ under section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
  - (3) In section 163 (local authority powers to provide closed-circuit television)—



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- (a) in subsection (3), after “area” insert “ or, in Scotland, the local commander designated for the local authority's area ”,
- (b) in subsection (4), after the definition of “local authority” insert—
  - ““local commander” has the meaning given by section 44 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);”.

**Commencement Information**

**I43** Sch. 7 para. 9 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Local Government etc. (Scotland) Act 1994 (c.39)*

- 10 In section 150(1) of the Local Government etc. (Scotland) Act 1994 (traffic signs), for “chief officer of police for the area concerned” substitute “ chief constable of the Police Service of Scotland ”.

**Commencement Information**

**I44** Sch. 7 para. 10 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Children (Scotland) Act 1995 (c.36)*

- 11 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 78 (powers of arrest etc. in relation to exclusion order)—
- (a) in subsection (4)—
    - (i) paragraphs (a) and (b) are repealed, and
    - (ii) after “delivered” insert “ to the chief constable of the Police Service of Scotland ”,
  - (b) in subsection (5), for “each chief constable specified in subsection (4) above” substitute “ the chief constable of the Police Service of Scotland ”.
- (3) In section 93(1) (interpretation of Part 2), in the definition of “constable” for “a police force within the meaning of the Police (Scotland) Act 1967” substitute “ the Police Service of Scotland ”.

**Commencement Information**

**I45** Sch. 7 para. 11 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Criminal Procedure (Scotland) Act 1995 (c.46)*

- 12 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 12 (instructions by Lord Advocate as to reporting of offences)—
- (a) for first “a” substitute “ the ”,
  - (b) the words from “within” to “therewith” are repealed.
- (3) In section 18(4)(b) (prints, samples etc. in criminal investigations), for “any police force” substitute “ the Police Service of Scotland ”.

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- (4) In section 18A (retention of samples etc.: prosecutions for sexual and violent offences)—
- (a) in subsection (5), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
  - (b) in subsection (11), the definition of “the relevant chief constable” is repealed.
- (5) In section 18C (section 18B: extension of retention period where relevant offer relates to certain sexual or violent offences)—
- (a) in subsection (2), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
  - (b) in subsection (11), the definition of “the relevant chief constable” is repealed.
- (6) In section 18F (retention of samples etc. relating to children: appeals)—
- (a) in subsection (1), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
  - (b) in subsection (10), the definition of “the relevant chief constable” is repealed.
- (7) In section 19(4)(b) (prints, samples etc. in criminal investigations: supplementary provisions), for “police force which instructed the analysis” substitute “ Police Service of Scotland ”.
- (8) In section 19C (use of certain samples etc.)—
- (a) in subsection (1)(e)—
    - (i) for paragraph (i) substitute—
      - “(i) the Police Service of Scotland (“the Police Service”),”,
    - (ii) in paragraph (ii), for “Services Authority” substitute “ Authority (“the Authority”), ”,
    - (iii) in paragraph (iii), for “a police force” substitute “ the Police Service or the Authority ”,
  - (b) in subsection (4), for the words from “a” where it first occurs to “force” where it third occurs substitute “ the Police Service, the Authority or a person acting on behalf of the Police Service or the Authority, the Police Service ”,
  - (c) in subsection (5), for the words from “A” to “force” where it second occurs substitute “ The Police Service, the Authority or a person acting on behalf of the Police Service or the Authority ”.
- (9) In section 194I(4) (power of Scottish Criminal Cases Review Commission to obtain documents), in the definition of “public body”, for paragraph (a) substitute—
- “(a) the Police Service of Scotland;”.
- (10) In section 307(1) (interpretation)—
- (a) in the definition of “constable”, for “Police (Scotland) Act 1967” substitute “ Police and Fire Reform (Scotland) Act 2012 ”,
  - (b) in the definition of “officer of law”, for paragraph (c) substitute—
    - “(c) any person who is appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012 who is either authorised by the chief constable of the Police Service of Scotland in relation to such service and execution or is a police custody and security officer;”.

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- (11) In Schedule 9 (certificates as to proof of certain routine matters), in the entry for the Firearms Act 1968 (c.27), in the second column, for “police force maintained for the authority's area” substitute “ Police Service of Scotland ”.

**Commencement Information**

**I46** Sch. 7 para. 12 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Police Act 1996 (c.16)*

- 13 (1) The Police Act 1996 is amended as follows.
- (2) In section 59(2) (police federations), for “section 26(2A) of the Police (Scotland) Act 1967” substitute “ under section 48 of the Police and Fire Reform (Scotland) Act 2012 in so far as relating to the matters described in section 52 of that Act, ”.
- (3) In section 60(2) (regulations for police federations)—
- (a) in paragraph (c), for “police authorities” substitute “ the Scottish Police Authority ”,
  - (b) in paragraph (d), for “police authorities” substitute “ the Scottish Police Authority ”,
  - (c) in paragraph (e), for “26 of the Police (Scotland) Act 1967” substitute “ 48 of the Police and Fire Reform (Scotland) Act 2012 ”.
- <sup>F4</sup>(4) .....
- (5) In section 99(1) (jurisdiction of metropolitan police officers), for “a police force maintained under the Police (Scotland) Act 1967” substitute “ the Police Service of Scotland ”.

**Textual Amendments**

**F4** Sch. 7 para. 13(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)(viii)

**Commencement Information**

**I47** Sch. 7 para. 13(1)(2)(4)(5) in force at 1.4.2013 by S.S.I. 2013/51, art. 2

**I48** Sch. 7 para. 13(3) in force at 1.1.2013 by S.S.I. 2012/333, art. 2, Sch. (with Sch. 2 para. 3)

*Police Act 1997 (c.50)*

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 93 (authorisations to deal with property etc.)—
- (a) in subsection (3)—
    - (i) after paragraph (za) insert—

“(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;”,
    - (ii) in paragraph (a), for “(5)(d) to” substitute “ (5)(e), ”,
    - (iii) after paragraph (e) insert—

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- “(ea) if the authorising officer is within subsection (5) (ia), by a staff officer of the Police Investigations and Review Commissioner.”,
  - (b) after subsection (3A) insert—
    - “(3ZA) An authorisation under this section may be given by the authorising officer within subsection (5)(ia) only where it relates to the taking of action in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.”,
  - (c) in subsection (5)—
    - (i) for paragraph (d) substitute—
      - “(d) the chief constable of the Police Service of Scotland, or any deputy chief constable or assistant chief constable of the Police Service of Scotland who is designated for the purposes of this paragraph by the chief constable;”,
    - (ii) after paragraph (i) insert—
      - “(ia) the Police Investigations and Review Commissioner.”,
  - (d) in subsection (6)(b), for the words from “of” to “maintained” substitute “ or (ia) of subsection (5), means Scotland ”.
- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (1)(b), for “, (c) or (d)” substitute “ or (c) ”,
  - (b) in subsection (2), after paragraph (g) insert—
    - “(ga) where the authorising officer is within paragraph (ia) of that subsection, by a staff officer of the Police Investigations and Review Commissioner who is designated by the Commissioner for the purposes of this section.”.
- (4) In section 95 (authorisations: form and duration etc.)—
- (a) in subsection (6), for “or (e),” substitute “, (d), (e) ”,
  - (b) in subsection (7), for “, (c), (d) or (j)” substitute “ or (c) ”.
- (5) In section 105(3) (appeals), for “, (c) or (d)” substitute “ or (c) ”.
- (6) In section 107(4) (supplementary provisions)—
- (a) in paragraph (a), for “police authority” substitute “ the Scottish Police Authority ”,
  - (b) after paragraph (b) insert—
    - “(bza) the functions of the Police Investigations and Review Commissioner under section 33A(b)(i) of the Police, Public Order and Criminal Justice (Scotland) Act 2006.”.
- (7) In section 120A(4) (refusal and cancellation of registration), for “A chief constable of a police force in Scotland” substitute “ The chief constable of the Police Service of Scotland ”.
- (8) In section 126 (interpretation of Part 5)—
- (a) in the definition of “chief officer”, for sub-paragraph (ii) substitute—
    - “(ii) the chief constable of the Police Service of Scotland, and”,

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- (b) in the definition of “police authority”, for sub-paragraph (i) substitute—  
“(i) the Scottish Police Authority, and”.

#### Commencement Information

**I49** Sch. 7 para. 14 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)*

- 15 (1) The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.
- (2) In section 5 (lawful surveillance etc.), in subsection (3)(b), for “a police force” substitute “ the Police Service ”.
- (3) In section 8(3) (entitlement to grant authorisations)—
- (a) for paragraph (a) substitute—  
“(aa) the Police Service;”,
- (b) after paragraph (c) insert—  
“(ca) the Police Investigations and Review Commissioner;”.
- (4) In section 10(1A) (persons who may authorise intrusive surveillance)—
- (a) in paragraph (a), for “every police force” substitute “ the Police Service and any other senior officer of the Police Service who is designated by the chief constable for the purposes of this section ”,
- (b) after paragraph (a) insert—  
“(aa) the Police Investigations and Review Commissioner;”.
- (5) In section 11 (rules for grant of authorisations)—
- (a) in subsection (1)—
- (i) for “a police force” substitute “ the Police Service ”,
- (ii) for “member of the same force” substitute “ constable of the Police Service ”,
- (b) for subsection (2) substitute—  
“(2) An authorisation for the carrying out of intrusive surveillance shall not be granted by the chief constable or any other senior officer of the Police Service except on an application by a constable of the Police Service.”,
- (c) after subsection (2) insert—  
“(2A) The Police Investigations and Review Commissioner shall not grant an authorisation for the carrying out of intrusive surveillance except—
- (a) on an application by one of the Commissioner's staff officers; and
- (b) where the intrusive surveillance is to be carried out in relation to an investigation carried out in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.”,
- (d) in subsection (4)—
- (i) in paragraph (a)—

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- (A) for the words from “by” to “Agency” substitute “—
  - (i) by, or on the application of, a constable of the Police Service;”,
- (B) after the words inserted by paragraph (A) insert—
  - “(ii) by the Police Investigations and Review Commissioner; or
  - (iii) by, or on the application of, a staff officer of the Police Investigations and Review Commissioner”,
- (ii) in paragraph (b)(i), for the words from “member” to “or” substitute “constable of the Police Service, the Police Service; or
  - (ia) where that individual is the Police Investigations and Review Commissioner or a staff officer of that Commissioner, the Commissioner.”.

(6) After section 12 insert—

**“12ZA Grant of authorisation in cases of urgency: Police Investigations and Review Commissioner**

- (1) This section applies in the case of an application to the Police Investigations and Review Commissioner for an authorisation for the carrying out of intrusive surveillance where the case is urgent.
  - (2) If it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by the Police Investigations and Review Commissioner, the application may be made to and considered by any staff officer of the Commissioner whom the Commissioner designates for the purposes of this section.”.
- (7) In section 14(5)(a) (approval required for authorisations to take effect), for the words from “member” to “and” substitute “constable of the Police Service, the chief constable of the Police Service; and
- (aa) in relation to an authorisation granted on an application by a staff officer of the Police Investigations and Review Commissioner, the Police Investigations and Review Commissioner.”.
- (8) In section 16 (appeals against decisions by Surveillance Commissioners)—
- (a) in the opening words of subsection (1), for the words from “A” to “Agency” substitute “ A person who granted an authorisation for the carrying out of intrusive surveillance ”,
  - (b) in subsection (1)(a), for the words from “an”, where second occurring, to “surveillance” substitute “ the authorisation ”,
  - (c) in subsection (1)(b), for “such an” substitute “ the ”,
  - (d) after subsection (1) insert—
    - “(1A) Where an authorisation for the carrying out of intrusive surveillance is granted by a senior officer of the Police Service designated by the chief constable under section 10(1A)(a), the chief constable shall also be entitled to appeal under this section.

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- (1B) Where an authorisation for the carrying out of intrusive surveillance is granted by a staff officer designated by the Police Investigations and Review Commissioner under section 12ZA(2), the Commissioner shall also be entitled to appeal under this section.”.”.
- (9) In section 18 (information to be provided to the Surveillance Commissioners)—
- (a) in paragraph (a), for “member of a police force” substitute “ constable of the Police Service ”,
  - (b) after that paragraph insert—
    - “(aa) the Police Investigations and Review Commissioner and every staff officer of the Commissioner.”.
- (10) In section 20 (cancellation of authorisations) after subsection (2) insert—
- “(2A) Where an authorisation under this Act was granted or, as the case may be, last renewed by a senior officer of the Police Service and it is not reasonably practicable for that senior officer to cancel it under subsection (1) above, any senior officer of the Police Service designated by the chief constable for the purposes of section 10 above may cancel the authorisation if satisfied as to either of the matters mentioned in subsection (1) above.
- (2B) Where an authorisation under this Act was granted or, as the case may be, last renewed by the Police Investigations and Review Commissioner and it is not reasonably practicable for the Commissioner to cancel it under subsection (1) above, any person designated by the Commissioner for the purposes of section 12ZA above may cancel the authorisation if satisfied as to either of the matters mentioned in subsection (1) above.”.
- (11) In section 23(5)(b) (complaints to the Tribunal)—
- (a) for “a police force” substitute “ the Police Service ”,
  - (b) after the words inserted by sub-paragraph (a) insert “ or to the Police Investigations and Review Commissioner ”,
  - (c) repeal the words “or to the Scottish Crime and Drug Enforcement Agency”.
- (12) In section 24(2)(b) (issue and revision of codes of practice)—
- (a) for “a police force” substitute “ the Police Service ”,
  - (b) after the words inserted by sub-paragraph (a) insert “ or to the Police Investigations and Review Commissioner ”,
  - (c) repeal the words “or to the Scottish Crime and Drug Enforcement Agency”.
- (13) In section 26(4)(c) (effect of codes of practice)—
- (a) for “a police force” substitute “ the Police Service ”,
  - (b) after the words inserted by sub-paragraph (a) insert “ or the Police Investigations and Review Commissioner ”.
- (14) In section 31(interpretation)—
- (a) in subsection (1), for the definition of “police force” substitute—
    - ““Police Service” means the Police Service of Scotland;”,
  - (b) after the definition of “residential premises” insert—

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““senior officer” has the same meaning as in the Police and Fire Reform (Scotland) Act 2012 (asp 8);”,

(c) after subsection (4) insert—

“(4A) References in this Act to a staff officer of the Police Investigations and Review Commissioner are references to any person who—

- (a) is a member of the Commissioner's staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006; or
- (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.”.

**Commencement Information**

**I50** Sch. 7 para. 15 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Transport (Scotland) Act 2001 (asp 2)*

- 16 (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) In section 5(4) (consultation as to proposed quality partnership scheme), for paragraph (f) substitute—
- “(fa) the chief constable of the Police Service of Scotland;”.
- (3) In section 15(3) (consultation as to proposed quality contract scheme), for paragraph (g) substitute—
- “(ga) the chief constable of the Police Service of Scotland;”.

**Commencement Information**

**I51** Sch. 7 para. 16 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*International Criminal Court (Scotland) Act 2001 (asp 13)*

- 17 In section 15(2) of the International Criminal Court (Scotland) Act 2001 (service of process), for “for the area in which the person appears to be” substitute “ of the Police Service of Scotland ”.

**Commencement Information**

**I52** Sch. 7 para. 17 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Protection from Abuse (Scotland) Act 2001 (asp 14)*

- 18 In section 3 of the Protection from Abuse (Scotland) Act 2001 (notification to police), in the closing words of subsection (1), for the words from “any” to “recalled.” substitute “ the Police Service of Scotland. ”.



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#### Commencement Information

**I53** Sch. 7 para. 18 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 19 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- (2) In schedule 2 (listed authorities), for paragraph 32A substitute—
- “32A The Police Investigations and Review Commissioner.”.
- (3) In paragraph 1 of schedule 4 (matters which the Ombudsman must not investigate) for sub-paragraph (c) substitute—
- “(c) by the Police Investigations and Review Commissioner.”.

#### Commencement Information

**I54** Sch. 7 para. 19 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Freedom of Information (Scotland) Act 2002 (asp 13)*

- 20 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities)—
- (a) in paragraph 6, for “Chief Inspector” substitute “ Inspectors ”,
- (b) in paragraph 50, for “a police force in Scotland” substitute “ the Police Service of Scotland ”,
- (c) for paragraph 75A (as inserted by paragraph 11(b) of schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 and relating to the Police Complaints Commissioner for Scotland), substitute—
- “75AB The Police Investigations and Review Commissioner.”.

#### Commencement Information

**I55** Sch. 7 para. 20 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Criminal Justice (Scotland) Act 2003 (asp 7)*

- 21 (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) In section 56(4)(retaining sample or relevant physical data where given voluntarily) —
- (a) in paragraph (a), for the words from “police” to “provided;” substitute “ Police Service of Scotland; ”,
- (b) in paragraph (b)—
- (i) in the opening words, repeal the words “within the area of that force”,
- (ii) in sub-paragraph (i), repeal the words “of the force”.

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#### Commencement Information

**I56** Sch. 7 para. 21 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Dog Fouling (Scotland) Act 2003 (asp 12)*

- 22 In section 3 of the Dog Fouling (Scotland) Act 2003 (exceptions to offence), in subsection (1)(c)—
- (a) for “Forces,” substitute “ Forces or ”,
  - (b) for “the police force for any area” insert “by a constable of the Police Service of Scotland ”.

#### Commencement Information

**I57** Sch. 7 para. 22 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)*

- 23 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.
- (2) In section 8(3) (duty to bring specific matters to attention of Scottish Ministers and others etc.), for paragraph (l) substitute—
    - “(la) the Police Service of Scotland;”.
  - (3) In section 17(2) (duties of the Scottish Ministers, local authorities and others as respects Commission), for paragraph (f) substitute—
    - “(fa) the Police Service of Scotland;”.
  - (4) In section 35(2)(a) (warrants relating to inquiries into individual cases), for sub-paragraph (iii), substitute—
    - “(iia) any constable of the Police Service of Scotland;”.
  - (5) In section 292(3) (warrant to enter premises for purposes of taking patient)—
    - (a) in paragraph (a), for sub-paragraph (iii) substitute—
      - “(iia) any constable of the Police Service of Scotland;”,
    - (b) in paragraph (b), for the words from “of” where it first occurs to “situated” substitute “ of the Police Service of Scotland ”.
  - (6) In section 293(3) (removal to place of safety), in paragraph (a), for paragraph (iii) substitute—
    - “(iia) any constable of the Police Service of Scotland;”.

#### Commencement Information

**I58** Sch. 7 para. 23 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)*

- 24 (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is amended as follows.

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- (2) In section 1 (antisocial behaviour strategies)—
- (a) in subsection (1), for “relevant” substitute “ the ”,
  - (b) in subsection (11), for the entry for “relevant chief constable” substitute—  
““chief constable” means the chief constable of the Police Service of Scotland.”.
- (3) In section 2(6) (reports and information), for “relevant chief constable” substitute “ chief constable ”.
- (4) In section 15(4) (records of orders), for paragraph (d) substitute—  
“(d) the chief constable of the Police Service of Scotland;”.
- (5) In section 18 (interpretation), in the entry for “relevant consultees”—
- (a) in paragraph (a), for sub-paragraphs (i) and (ii) substitute—  
“(ia) the chief constable of the Police Service of Scotland;”,
  - (b) in paragraph (b)—
    - (i) for sub-paragraph (i) substitute—  
“(i) the chief constable of the Police Service of Scotland;”,
    - (ii) in sub-paragraph (ii), for “that person” substitute “ the person in respect of whom the order is sought or made ”.
- (6) In section 31(4) (enforcement), for “for the area in which the premises are situated” substitute “ of the Police Service of Scotland ”.
- (7) In section 35 (reimbursement of expenditure)—
- (a) in subsection (1), for “a police authority” substitute “ the Scottish Police Authority ”,
  - (b) in subsection (3)(a)—
    - (i) in sub-paragraph (i), for the words from “police” to “situated;” substitute “ Scottish Police Authority; ”,
    - (ii) in sub-paragraph (ii), for “a police authority” substitute “ the Scottish Police Authority ”.
- (8) In section 119(4) (records of antisocial behaviour orders made in criminal courts), for paragraph (d) substitute—  
“(d) the chief constable of the Police Service of Scotland;”.
- (9) In section 139(5) (disclosure and sharing of information), for paragraph (b) substitute—  
“(b) the chief constable of the Police Service of Scotland;”.

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**Commencement Information**

**159** Sch. 7 para. 24 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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*Emergency Workers (Scotland) Act 2005 (asp 2)*

25 In the Emergency Workers (Scotland) Act 2005, for section 7 (saving for certain other offences) substitute—

**“7A Interaction with offence of assaulting or impeding police**

Nothing in this Act affects (or is affected by) section 90(2) of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (assaulting or impeding police).”.

**Commencement Information**  
**I60** Sch. 7 para. 25 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)*

<sup>F5</sup>26 .....

**Textual Amendments**  
**F5** Sch. 7 para. 26 repealed (31.3.2023) by Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), s. 45(2)(3), sch. 2 para. 8 (with s. 44); S.S.I. 2023/51, reg. 2 (with regs. 3, 4(6))

*Charities and Trustee Investment (Scotland) Act 2005 (asp 10)*

27 In section 86(2) of the Charities and Trustee Investment (Scotland) Act 2005 (local authority consents), for “police force for the area” substitute “ Police Service of Scotland ”.

**Commencement Information**  
**I61** Sch. 7 para. 27 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Management of Offenders etc. (Scotland) Act 2005 (asp 14)*

28 In section 10(7) of the Management of Offenders etc. (Scotland) Act 2005 (arrangements for assessing and managing risks posed by certain offenders), for paragraph (a) substitute—  
“(a) the chief constable of the Police Service of Scotland;”.

**Commencement Information**  
**I62** Sch. 7 para. 28 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Licensing (Scotland) Act 2005 (asp 16)*

29 (1) The Licensing (Scotland) Act 2005 is amended as follows.  
(2) In each of the provisions mentioned in sub-paragraph (3), for each occurrence of the expression “appropriate chief constable” substitute “ chief constable ”.

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- (3) The provisions are—
- section 6(5)(a),
  - section 7(4)(a),
  - section 21(1)(d), (2)(a) and (3),
  - section 22(2A),
  - section 23(6)(a) and (b),
  - section 24(5)(b), (6) and (10)(a),
  - section 24A(1) and (2),
  - section 26(3),
  - section 27A(9)(b)(i),
  - section 33(4), (5) and (7),
  - section 40A(3),
  - section 44(2), (3), (6) and (7),
  - section 47(4A),
  - section 48(2A),
  - section 49(2A),
  - section 51(1)(b),
  - section 56(10),
  - section 57(1)(a),
  - section 61(1)(b),
  - section 67(4)(a)(i),
  - section 69(1)(a) and (2),
  - section 70(1)(a) and (4)(b),
  - section 73(1), (2) and 73(4),
  - section 74(2)(b), (5)(b), (5A)(b) and (7)(b),
  - section 75(4)(b) and 75(5),
  - section 79(2)(b),
  - section 83(2), (3), (5), (6), (7), (8)(b)(ii) and (10)(b).
- (4) In section 12A(1) (chief constables' reports to Licensing Boards and Local Licensing Forums)—
- (a) for “Every” substitute “ The ”,
  - (b) repeal the words “whose area falls within the police area of the chief constable”.
- (5) The title to section 12A becomes “ **Chief constable's reports to Licensing Boards and Local Licensing Forums** ”.
- (6) In section 84A (power of chief constable to report conduct inconsistent with the licensing objectives)—
- (a) in subsection (1), for “a chief constable” substitute “ the chief constable ”,
  - (b) in subsection (2), for “a chief constable” substitute “ the chief constable ”.
- (7) In section 105(3) (purchase of alcohol by or for a child or young person), for “A chief constable” substitute “ The chief constable ”.
- (8) In section 147(1) (interpretation), for the entry for “appropriate chief constable” substitute—

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““chief constable” means the chief constable of the Police Service of Scotland.”.

(9) In section 148 (index of defined expressions) for the words “appropriate chief constable” substitute “ chief constable ”.

(10) In paragraph 2(6) of schedule 2 (membership of local licensing forums), for paragraph (b) substitute—  
 “(ba) the chief constable.”.

**Commencement Information**

**I63** Sch. 7 para. 29 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Housing (Scotland) Act 2006 (asp 1)*

30 In section 166 of the Housing (Scotland) Act 2006 (interpretation of Part relating to houses in multiple occupation), for the entry for “chief constable” substitute—

““chief constable” means the chief constable of the Police Service of Scotland.”.

**Commencement Information**

**I64** Sch. 7 para. 30 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Edinburgh Tram (Line Two) Act 2006 (asp 6)*

31 In section 62 of the Edinburgh Tram (Line Two) Act 2006 (power to contract for police services), in subsection (1)—

- (a) in paragraph (a), for the words “chief officer of police of any police force and the police authority” substitute “ Scottish Police Authority ”,
- (b) in the closing words, for “members of the police force” substitute “ the Police Service of Scotland ”.

**Commencement Information**

**I65** Sch. 7 para. 31 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Edinburgh Tram (Line One) Act 2006 (asp 7)*

32 In section 62 of the Edinburgh Tram (Line One) Act 2006 (power to contract for police services), in subsection (1)—

- (a) in paragraph (a), for the words “chief officer of police of any police force and the police authority” substitute “ Scottish Police Authority ”,
- (b) in the closing words, for “members of the police force” substitute “ the Police Service of Scotland ”.

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### Commencement Information

**I66** Sch. 7 para. 32 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)*

- 33 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.
- (2) In section 34 (“relevant complaint” and “person serving with police”)—
- (a) in subsection (1), after “is” insert “ made, ”,
  - (b) in subsection (2)—
    - (i) for “written statement” substitute “ statement (whether oral, written or electronic) ”,
    - (ii) for paragraphs (a) to (e) substitute—
      - “(a) by the Authority;
      - (b) by the Police Service; or”,
  - (c) after subsection (2), insert—
    - “(2A) A “complaint” may relate to—
      - (a) any action taken, or failed to be taken, by or on behalf of the subject of the complaint;
      - (b) the standard of any service which the subject of the complaint has provided or failed to provide.”.
- (3) In section 35 (examination of manner of handling of complaint)—
- (a) in subsection (3), after paragraph (b) insert “; and
  - (c) if the Commissioner considers it appropriate to do so, publish the report drawn up under paragraph (b) in such manner as the Commissioner considers appropriate.”,
  - (b) in subsection (8)(b), for the words from “any” to “authority” substitute “ the Authority where the appropriate authority is the chief constable ”,
  - (c) in subsection (10), for the words from “proceedings” to “procedures” substitute “ procedures made by regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) for dealing with constables whose standard of behaviour or performance is unsatisfactory ”.
- (4) In section 36—
- (a) in subsection (1), after “subsection” insert “ (1A) or ”,
  - (b) after subsection (1) insert—
    - “(1A) This subsection applies to a complaint handling review if—
      - (a) it relates or, if it took place, would relate to a relevant complaint in respect of which the appropriate authority in relation to the complaint—
        - (i) has concluded its consideration of the complaint; and
        - (ii) has communicated its findings to the complainer;
      - (b) a period of 3 months or longer has elapsed between the date on which those findings were so communicated and the date

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on which the Commissioner was requested to carry out the complaint handling review; and

- (c) the Commissioner is not satisfied that there are exceptional circumstances which justified the delay in requesting the review.”.

(5) After section 40, insert—

**“40A Arrangements for handling relevant complaints**

(1) The Commissioner must—

- (a) keep under review all arrangements maintained by the Commissioner, the Authority and the chief constable for the handling of relevant complaints; and
- (b) seek to secure that those arrangements—
  - (i) are efficient and effective;
  - (ii) contain and manifest an appropriate degree of independence; and
  - (iii) are adhered to.

(2) The Commissioner may make such recommendations, or give such advice, for the modification of—

- (a) the arrangements mentioned in subsection (1); or
- (b) the practice of the Authority or the chief constable in relation to other matters,

as appear from the carrying out of the Commissioner's other functions to be necessary or desirable.”.”.

(6) In section 41 (appropriate authority in relation to complaint), for paragraphs (a) to (j) of subsection (1) substitute—

- “(a) the Authority in cases where the complaint is about an act or omission by—
  - (i) the Authority;
  - (ii) a senior officer of the Police Service; or
  - (iii) a member of the Authority's staff; and
- (b) the chief constable in cases where the complaint is about an act or omission by—
  - (i) the Police Service;
  - (ii) a constable of the Police Service who is not a senior officer; or
  - (iii) a member of the police staff.”.

(7) In section 43 (reports to Scottish Ministers)—

- (a) in subsection (4), for “42(d)” substitute “ 40A(2) ”,
- (b) in subsection (6)—
  - (i) in paragraph (a), for the words from “all” to “Act” substitute “ the Authority, the chief constable and the inspectors of constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”,
  - (ii) in paragraph (b), for “all relevant authorities and to” substitute “ the Authority, the chief constable and ”,



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(c) after subsection (7) insert—

“(8) Nothing in this section requires or authorises the Commissioner to report on the carrying out of a particular investigation carried out on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A.”.

(8) In section 44 (provision of information to the Commissioner)—

(a) in subsection (1), for “A relevant authority” substitute “ The Authority and the chief constable ”,

(b) in subsection (2)—

(i) for “A relevant authority” substitute “ The Authority and the chief constable ”,

(ii) for “that person” (in paragraph (a)) substitute “ the Authority or, as the case may be, the chief constable ”,

(c) in subsection (3), for “any person” substitute “ the Authority or the chief constable ”,

(d) in subsection (4)—

(i) for “a relevant authority” substitute “ the Authority or the chief constable ”,

(ii) for “the authority” substitute “ the Authority or, as the case may be, the chief constable ”.

(9) In section 45 (power of Commissioner to issue guidance)—

(a) in subsection (1)(a), for “relevant authorities” substitute “ the Authority or the chief constable ”,

(b) in subsection (2), for paragraph (a) substitute—

“(a) the Authority and the chief constable;”.

(10) In section 46 (disclosure of information), after subsection (5) insert—

“(6) Nothing in this section requires or authorises the disclosure of any information relating to a particular investigation carried out by the Commissioner on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A (unless the appropriate prosecutor consents to such disclosure).”.

(11) For section 47 substitute—

## “47 Interpretation of Chapter 2

In this Chapter—

“appropriate prosecutor” means the Lord Advocate or procurator fiscal;

“the Authority” means the Scottish Police Authority;

“chief constable” means the chief constable of the Police Service;

“the Commissioner” means the Police Investigations and Review Commissioner;

“constable” means a constable of the Police Service;

“financial year” means each yearly period ending with 31 March;

“firearm” has the meaning given by section 57(1) of the Firearms Act 1968 (c.27);

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“member of the Authority's staff” and “member of the police staff” have the same meanings as in the Police and Fire Reform (Scotland) Act 2012 (asp 8);

“person serving with the police” means—

- (a) a constable of the Police Service;
- (b) a member of the police staff; or
- (c) a member of the Authority's staff;

“Police Service” means the Police Service for Scotland;

“relevant complaint” has the meaning given by section 34;

“senior officer” has the same meaning as in the Police and Fire Reform (Scotland) Act 2012.”.

- (12) In section 52(1) (application for football banning order)—
  - (a) in the opening words, for “a police force” substitute “ the Police Service of Scotland ”,
  - (b) paragraphs (a) and (b) are repealed.
- (13) In section 57(3) (variation of football banning order)—
  - (a) in paragraph (b), for the words from “police” to “resides” substitute “ Police Service of Scotland ”,
  - (b) paragraphs (c) and (d) are repealed.
- (14) In section 69(1) (interpretation), in the definition of “the football banning orders authority”, for the words from “police force” to “area” substitute “ Police Service of Scotland ”.
- (15) In section 103(4)(a) (subordinate legislation)—
  - (a) “or”, where second occurring, is repealed, and
  - (b) after “schedule 2” insert “ or paragraph 7A(8) or 7B(4) of schedule 4 or regulations under section 41D(1) ”.
- (16) For the title of schedule 4 substitute— “ THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER ”.
- (17) In schedule 4—
  - (a) in paragraph 2(1)—
    - (i) in sub-paragraph (b), for “a police force” substitute “ the Police Service (or of a police force previously maintained under the Police (Scotland) Act 1967 (c.77)) ”,
    - (ii) after sub-paragraph (d) insert—
      - “(da) is or has been a member of the Authority;”,
    - (iii) in sub-paragraph (e), after “Authority” insert “ or has been a member of staff of the body which was known as the Scottish Police Services Authority ”,
    - (iv) in sub-paragraph (g) after “been” insert “ employed as a member of police staff or as a member of the Authority's staff or has been ”,
  - (b) in paragraph 3—
    - (i) in sub-paragraph (2)(a), for “3” substitute “ 5 ”,
    - (ii) in sub-paragraph (2)(b), for “2” substitute “ 3 ”,
  - (c) after paragraph 7 insert—

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*“Staff officers*

- 7A (1) The Commissioner may make arrangements for constables of the Police Service to be appointed to serve as members of the Commissioner's staff.
- (2) The Commissioner may make arrangements for a person falling within sub-paragraph (3) to be appointed to serve as a member of the Commissioner's staff.
- (3) A person falls within this sub-paragraph if the person is a member of—
- (a) a police force maintained under section 2 of the Police Act 1996 (c.16);
  - (b) the metropolitan police force;
  - (c) the City of London police force;
  - (d) the Police Service of Northern Ireland;
  - (e) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c.4);
  - (f) the British Transport Police Force;
  - (g) the Civil Nuclear Constabulary;
  - (h) the States of Jersey Police Force;
  - (i) the salaried police force of the Island of Guernsey; or
  - (j) the Isle of Man Constabulary.
- (4) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2) is to be appointed on such terms and conditions (including as regards remuneration, allowances and expenses) as the Commissioner determines.
- (5) The Commissioner's determination under sub-paragraph (4) may be made by reference to provision made by regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).
- (6) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2)—
- (a) has all the powers and privileges of a constable throughout Scotland; and
  - (b) is subject to the direction and control of the Commissioner.
- (7) The Commissioner is liable in respect of any unlawful conduct on the part of any constable or other person appointed under arrangements made under sub-paragraph (1) or (2) in the carrying out (or purported carrying out) of that person's functions in the same manner as an employer is liable in respect of any unlawful conduct on the part of an employee in the course of employment.
- (8) The Scottish Ministers may by order apply any provision of the Police and Fire Reform (Scotland) Act 2012 or any other enactment relating to constables (including any such provision or

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other enactment creating offences against or as regards constables), with such modifications as are considered appropriate, in relation to a person appointed under arrangements made under sub-paragraph (2).

*Staff involved in investigations*

- 7B (1) The Commissioner may designate—
- (a) any member of the Commissioner's staff appointed under paragraph 7 or 7A to take charge of any investigation on behalf of the Commissioner; and
  - (b) other members of the Commissioner's staff to assist the member designated to take charge.
- (2) This sub-paragraph applies to a person who is a member of the Commissioner's staff appointed under paragraph 7 and is designated under sub-paragraph (1).
- (3) A person to whom sub-paragraph (2) applies—
- (a) has all the powers and privileges of a constable throughout Scotland; but
  - (b) is not as a result of the designation to be treated as being in police service for the purposes of—
    - (i) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52); or
    - (ii) section 200 of the Employment Rights Act 1996 (c.18).
- (4) The Scottish Ministers may by order apply any enactment relating to the investigation of offences by constables (subject to such modifications as they consider appropriate) in relation to investigations carried out in pursuance of paragraph (b)(i) of section 33A by a member of the Commissioner's staff designated under sub-paragraph (1).”,
- (d) in paragraph 11—
- (i) the existing text becomes sub-paragraph (1),
  - (ii) after that text insert—
    - “(2) Nothing in this paragraph requires or authorises the provision of any information or document relating to a particular investigation carried out by the Commissioner on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A (unless the appropriate prosecutor consents to disclosure of the information or document).”.

**Commencement Information**

- I67** Sch. 7 para. 33(1)-(14) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**
- I68** Sch. 7 para. 33(15) in force at 15.2.2013 by S.S.I. 2013/47, **art. 2** (with art. 3)
- I69** Sch. 7 para. 33(16)(17) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

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*Animal Health and Welfare (Scotland) Act 2006 (asp 11)*

- 34 In section 49(6) of the Animal Health and Welfare (Scotland) Act 2006 (vets, inspectors and constables), for the words “a police force” substitute “ the Police Service of Scotland ”.

**Commencement Information**

**I70** Sch. 7 para. 34 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Adult Support and Protection (Scotland) Act 2007 (asp 10)*

- 35 (1) The Adult Support and Protection (Scotland) Act 2007 is amended as follows.
- (2) In section 5(1) (co-operation), for paragraph (e) substitute—  
“(e) the chief constable of the Police Service of Scotland,”.
- (3) In section 27(3) (notification to police), for the words from “police” to “situated.” substitute “ Police Service of Scotland. ”.
- (4) In section 42(3) (adult protection committees), for paragraph (d) substitute—  
“(d) the chief constable of the Police Service of Scotland,”.

**Commencement Information**

**I71** Sch. 7 para. 35 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)*

- 36 (1) The Protection of Vulnerable Groups (Scotland) Act 2007 is amended as follows.
- (2) In section 18 (police information etc.)—
- (a) in subsection (1)—
- (i) the words “of a police force or the Scottish Crime and Drug Enforcement Agency” are repealed,
- (ii) the words “or the Scottish Crime and Drug Enforcement Agency” (where second occurring) are repealed,
- (b) in subsection (2)—
- (i) for “A person” substitute “ The chief constable ”,
- (ii) for “person”, where second occurring, substitute “ chief constable ”,
- (c) in subsection (3), for “appropriate police authority or the Scottish Police Services Authority” substitute “ Scottish Police Authority ”.
- (3) In section 38 (police access to lists of individuals barred from regulated work)—
- (a) in subsection (1), for the words from “chief” to “Agency” substitute “ the chief constable ”,
- (b) in subsection (2), for the words from “police” to “Agency” substitute “ constables of the Police Service of Scotland ”.
- (4) In section 75 (sources of information)—
- (a) in subsection (2), for the words from “A” to “Agency” substitute “ The chief constable ”,

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- (b) in subsection (3)—
    - (i) for “A person” substitute “ The chief constable ”,
    - (ii) for “person”, where second occurring, substitute “ chief constable ”,
  - (c) in subsection (4), for the words “appropriate police authority or the Scottish Police Services Authority” substitute “ Scottish Police Authority ”.
- (5) In section 76 (police access to scheme information)—
- (a) in subsection (1)—
    - (i) in the opening words, for the words from “chief” to “Agency” substitute “ the chief constable ”,
    - (ii) in paragraph (c), for the words from “police forces” to “Agency” substitute “ constables of the Police Service of Scotland ”,
  - (b) in subsection (2) the words from “police forces” to “Agency” substitute “constables of the Police Service of Scotland”.
- (6) In section 97(1) (interpretation)—
- (a) in the definition of “chief constable”, for “a police force in Scotland” substitute “ the Police Service of Scotland ”,
  - (b) the definition of “police authority” is repealed.

**Commencement Information**

**I72** Sch. 7 para. 36 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Edinburgh Airport Rail Link Act 2007 (asp 16)*

- 37 In section 38(5) of the Edinburgh Airport Rail Link Act 2007 (traffic regulation), for “Lothian and Borders Police” substitute “ the Police Service of Scotland ”.

**Commencement Information**

**I73** Sch. 7 para. 37 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Glasgow Commonwealth Games Act 2008 (asp 4)*

- 38 (1) The Glasgow Commonwealth Games Act 2008 is amended as follows.
- (2) In section 30(1) (compensation and recovery of losses), in paragraph (b), for “chief constable of the constable's police force” substitute “ Scottish Police Authority ”.
  - (3) In section 37(2) (transport plan), for paragraph (c) substitute—
    - “(c) the chief constable of the Police Service of Scotland.”.

**Commencement Information**

**I74** Sch. 7 para. 38 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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*Marine (Scotland) Act 2010 (asp 5)*

- 39 In paragraph 12(2)(b) of schedule 2 to the Marine (Scotland) Act 2010 (disclosure of information), for “a police force in Scotland” substitute “ the Police Service of Scotland ”.

**Commencement Information**

**I75** Sch. 7 para. 39 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Public Services Reform (Scotland) Act 2010 (asp 8)*

- 40 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In section 114 (scrutiny: duty of co-operation)—
- (a) in subsection (2)—
- (i) the word “and” at the end of paragraph (b) is repealed,
- (ii) after paragraph (c) insert “, and
- (d) policing.”,
- (b) in subsection (3)(a)—
- (i) the word “or” at the end of sub-paragraph (ii) is repealed,
- (ii) after sub-paragraph (iii) insert—
- “(iv) policing, or”,
- (c) in subsection (10)(b)—
- (i) for “or health services” substitute “, health services or policing ”,
- (ii) after “services”, where last occurring, insert “ or, as the case may be, policing ”,
- (d) in subsection (11), after the definition of “local authorities” insert—
- ““policing” has the same meaning as in Part 1 of the Police and Fire Reform (Scotland) Act 2012;”.
- (3) In section 115(6) (joint inspections), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “ Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), ”.
- (4) In schedule 5 (improvement of public functions: listed bodies), for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.
- (5) In schedule 8 (information on exercise of public functions: listed public bodies), for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.
- (6) In schedule 19 (scrutiny functions: persons etc. subject to user focus duty), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “ Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
- (7) In schedule 20 (scrutiny functions: persons etc. subject to duty of co-operation), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “

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Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.

**Commencement Information**

**I76** Sch. 7 para. 40 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Control of Dogs (Scotland) Act 2010 (asp 9)*

41 In section 13 of the Control of Dogs (Scotland) Act 2010 (interpretation), after the entry for “local authority” insert—

““police” means the Police Service of Scotland,”.

**Commencement Information**

**I77** Sch. 7 para. 41 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

- 42 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is amended as follows.
- (2) In section 117(4)(a) (meaning of “investigating agency”), for “a police force” substitute “ the Police Service of Scotland ”.
- (3) In section 164(3) (persons to have regard to code of practice on disclosure), for paragraph (a) substitute—
- “(a) constables of the Police Service of Scotland,”.

**Commencement Information**

**I78** Sch. 7 para. 42 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Alcohol etc. (Scotland) Act 2010 (asp 18)*

- 43 (1) The Alcohol etc. (Scotland) Act 2010 is amended as follows.
- (2) In section 14 (licence holders: social responsibility levy)—
- (a) in subsection (3)(b), for “appropriate” substitute “ the ”,
- (b) in subsection (5), for the entry for “appropriate chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland,”.
- (3) In section 15(3) (further provision about regulations relating to the social responsibility level), after paragraph (b), insert—
- “(ba) the chief constable,”.

**Commencement Information**

**I79** Sch. 7 para. 43 in force at 1.4.2013 by S.S.I. 2013/51, art. 2



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*Children's Hearings (Scotland) Act 2011 (asp 1)*

- 44 In section 61(3) of the Children's Hearings (Scotland) Act 2011 (constable's duty to provide information to Principal Reporter), for “section 17(1)(b) of the Police (Scotland) Act 1967 (c.77)” substitute “ section 20(1)(d) of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.

**Commencement Information**

**I80** Sch. 7 para. 44 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Public Records (Scotland) Act 2011 (asp 12)*

- 45 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of that Act applies) for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.

**Commencement Information**

**I81** Sch. 7 para. 45 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

**PART 2**

AMENDMENTS RELATING TO PART 2

*Gas Act 1965 (c.36)*

- 46 In section 17(5) of the Gas Act 1965 (notification of accidents)—  
(a) in paragraph (a) the words “fire and rescue authority, ” are repealed, and  
(b) after that paragraph insert—  
“(aza) for the Scottish Fire and Rescue Service if it appears to them that the Scottish Fire and Rescue Service will or may have duties to discharge, or will or may have to take precautionary or preventative action in any such event.”.

**Commencement Information**

**I82** Sch. 7 para. 46 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Transport Act 1968 (c.73)*

- 47 In section 102(4) of the Transport Act 1968 (exemption for police and fire), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I83** Sch. 7 para. 47 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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*Pensions (Increase) Act 1971 (c.56)*

- 48 In paragraph 44 of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I84** Sch. 7 para. 48 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Health and Safety at Work etc. Act 1974 (c.37)*

- 49 In section 23(4)(b) of the Health and Safety at Work etc. Act 1974 (consultation requirements relating to notices), for “relevant authority (as defined in section 6 of that Act) for the area where the premises are (or are to be) situated” substitute “ Scottish Fire and Rescue Service ”.

**Commencement Information**

**I85** Sch. 7 para. 49 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Control of Pollution Act 1974 (c.40)*

- 50 In section 62(2)(a) of the Control of Pollution Act 1974 (exemption from control of loudspeakers in roads), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I86** Sch. 7 para. 50 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Water (Scotland) Act 1980 (c.45)*

- 51 (1) The Water (Scotland) Act 1980 is amended as follows.
- (2) In section 9A(1)(a) (exemption from Scottish Water charges), for “a fire authority” substitute “ the Scottish Fire and Rescue Service ”.
- (3) In section 19 of Schedule 4 (undertakers to fix and maintain fire hydrants), for “fire authority concerned” substitute “ Scottish Fire and Rescue Service ”.
- (4) In section 20 of Schedule 4 (undertakers to deposit keys of hydrants), for “fire authority”, in both places where it occurs, substitute “ Scottish Fire and Rescue Service ”.
- (5) In section 21 of Schedule 4 (cost of hydrants), for “fire authority” substitute “ Scottish Fire and Rescue Service ”.
- (6) In section 21A of Schedule 4 (regulations on recovery of costs of hydrants), for “fire authorities” substitute “ the Scottish Fire and Rescue Service ”.

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#### Commencement Information

**187** Sch. 7 para. 51 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Zoo Licensing Act 1981 (c.37)*

- 52 In section 3(3) of the Zoo Licensing Act 1981 (appropriate authority for purposes of representations on an application)—
- (a) for paragraph (a)(ii) substitute—

“(ii) the Scottish Fire and Rescue Service, if it is not the enforcing authority,” and
  - (b) in paragraph (b) for “relevant authority in whose area the zoo or any part of it is, or is to be, situated” substitute “ Scottish Fire and Rescue Service ”.

#### Commencement Information

**188** Sch. 7 para. 52 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Civic Government (Scotland) Act 1982 (c.45)*

- 53 (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 54(4)(a) (use of loudspeaker exempt from offence), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.
  - (3) In section 89(4A) (safety of platforms etc.), in the words after paragraph (b) for “appropriate relevant authority” substitute “ Scottish Fire and Rescue Service ”.
  - (4) In section 93 (fire precautions in common stairs etc.)—
    - (a) for “appropriate relevant authority”, where it occurs in each of subsections (3), (4) and (7), substitute “ Scottish Fire and Rescue Service ”, and
    - (b) in subsection (6) for “an appropriate relevant authority” substitute “ the Scottish Fire and Rescue Service ”.
  - (5) In section 98 (luminous tube signs)—
    - (a) in subsection (1) for “appropriate relevant authority”, where it occurs in each of paragraphs (a), (b) and (c), substitute “ Scottish Fire and Rescue Service ”, and
    - (b) in subsection (1A) for “appropriate relevant authority” substitute “ Scottish Fire and Rescue Service ”.
  - (6) In Schedule 1 (licensing - further provision as to the general system), for “appropriate relevant authority”, where it occurs in each of paragraphs 2(1)(b), 5(5)(d), 7(3)(a)(ii), 9(5)(b), 9(7)(b), 10(2)(a), 10(2A), 10(4)(b), 11(7)(d), 12(4)(b), 12(7)(b), 17(4)(c)(ii) and 17(4)(d)(ii), substitute “ Scottish Fire and Rescue Service ”.
  - (7) In Schedule 2 (control of sex shops), for “appropriate relevant authority”, where it occurs in each of paragraphs 8(1)(b), 10(1)(d), 13(5)(d), 14(5)(b), 14(7), 15(2)(a), 15(2A), 15(5) and 23(4)(b)(ii), substitute “ Scottish Fire and Rescue Service ”.

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**Commencement Information**

**I89** Sch. 7 para. 53 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Road Traffic Regulation Act 1984 (c.27)*

54 In section 87(1)(a) of the Road Traffic Regulation Act 1984 (exemptions from speed limits), for “a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I90** Sch. 7 para. 54 in force at 1.4.2013 by S.S.I. 2013/51, art. 2 (with art. 4)

*Cinemas Act 1985 (c.13)*

- 55 (1) The Cinemas Act 1985 is amended as follows.
- (2) In section 3(10) (definition for purposes of the Act), in paragraph (b) of the definition of “appropriate fire authority” for the words from “authority discharging” to the end of the paragraph substitute “ Scottish Fire and Rescue Service ”.
- (3) In section 8(2) (definition for purposes of the section), in paragraph (b) of the definition of “appropriate fire authority” for the words from “authority discharging” to the end of the paragraph substitute “ Scottish Fire and Rescue Service ”.

**Commencement Information**

**I91** Sch. 7 para. 55 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Housing (Scotland) Act 1987 (c.26)*

F<sup>6</sup>56 .....

**Textual Amendments**

**F6** Sch. 7 para. 56 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), Sch. 2 para. 19; S.S.I. 2014/264, art. 2, sch. (with art. 4)

**Commencement Information**

**I92** Sch. 7 para. 56 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Strathclyde Regional Council Order Confirmation Act 1991 (c.xx)*

57 In section 3(8)(a) of the Schedule to the Strathclyde Regional Council Order Confirmation Act 1991 (regulation of traffic), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

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**Commencement Information**

**I93** Sch. 7 para. 57 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Vehicle Excise and Registration Act 1994 (c.22)*

- 58 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles)—
- (a) in paragraph 4(2)(b), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”, and
  - (b) in paragraph 5—
    - (i) for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”, and
    - (ii) for “authority's” substitute “Scottish Fire and Rescue Service's”.

**Commencement Information**

**I94** Sch. 7 para. 58 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Merchant Shipping Act 1995 (c.21)*

- 59 In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I95** Sch. 7 para. 59 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (c.xii)*

- 60 In section 6(9) of the Schedule to the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (entry to closed public roads), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “ the Scottish Fire and Rescue Service ”.

**Commencement Information**

**I96** Sch. 7 para. 60 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

- 61 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies), after the entry for “Scottish Environment Protection Agency” insert— “ The Scottish Fire and Rescue Service ”.

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**Commencement Information**

**I97** Sch. 7 para. 61 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Scottish Public Services Ombudsman Act 2002 (asp 11)*

62 In schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities), for paragraph 13 substitute—

“13 The Scottish Fire and Rescue Service.”.

**Commencement Information**

**I98** Sch. 7 para. 62 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Freedom of Information (Scotland) Act 2002 (asp 13)*

63 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities)—

(a) for paragraph 9 substitute—

“9 Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service.”, and

(b) after paragraph 85 insert—

“85ZA The Scottish Fire and Rescue Service.”.

**Commencement Information**

**I99** Sch. 7 para. 63(a) in force at 1.4.2013 by S.S.I. 2013/51, art. 2

**I100** Sch. 7 para. 63(b) in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

*Local Government in Scotland Act 2003 (asp 1)*

64 In section 16(1) of the Local Government in Scotland Act 2003 (duty to participate in community planning), for paragraph (d) substitute—

“(d) the Scottish Fire and Rescue Service,”

**Commencement Information**

**I101** Sch. 7 para. 64 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

65 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (specified authorities), after the entry for “Scottish Environment Protection Agency” insert— “ Scottish Fire and Rescue Service ”.

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#### Commencement Information

**I102** Sch. 7 para. 65 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

#### *Fire and Rescue Services Act 2004 (c.21)*

- 66 (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) For subsection (10) of section 34 (pensions etc.) substitute—
- “(10) In this section “Scottish fire authority”—
- (a) means the Scottish Fire and Rescue Service, and
  - (b) except in subsections (2)(e) and (h), includes a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) (despite the repeal of that section by the Police and Fire Reform (Scotland) Act 2012 (asp 8)).”
- (3) In subsection (6) of section 35 (definitions for purpose of information in connection with pensions etc.), after the definition of “prescribed” add—
- ““Scottish fire authority”—
- (a) means the Scottish Fire and Rescue Service, and
  - (b) in subsection (5) includes a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) (despite the repeal of that section by the Police and Fire Reform (Scotland) Act 2012 (asp 8)).”

#### Commencement Information

**I103** Sch. 7 para. 66 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Emergency Workers (Scotland) Act 2005 (asp 2)*

- 67 In section 1(3) of the Emergency Workers (Scotland) Act 2005 (definition of capacity for the purpose of section 1(1) offence)—
- (a) in paragraph (zb) for the words from “a relevant” to “authority's functions” substitute “ the Scottish Fire and Rescue Service while discharging any of the Service's functions ”, and
  - (b) in paragraph (b) for the words from “a relevant” to “on the authority” substitute “ the Scottish Fire and Rescue Service for the purpose of carrying out any of the functions conferred on the Service ”.

#### Commencement Information

**I104** Sch. 7 para. 67 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### *Fire (Scotland) Act 2005 (asp 5)*

- 68 (1) The Fire (Scotland) Act 2005 is amended as follows.

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- (2) For the title of Part 1 of the 2005 Act and the italic cross heading immediately preceding section 1 of that Act, substitute— “ THE SCOTTISH FIRE AND RESCUE SERVICE ”.
- (3) In section 17 (duty to secure water supply)—
  - (a) in subsection (1)—
    - (i) for “A relevant authority” substitute “ SFRS ”, and
    - (ii) for “the authority's” substitute “ its ”, and
  - (b) in subsection (2), for “the authority”, where it occurs in each of paragraphs (a), (e) and (f), substitute “ SFRS ”.
- (4) In section 18 (use of water)—
  - (a) in subsection (1) for “a relevant authority” substitute “ SFRS ”, and
  - (b) in subsection (2) for “A relevant authority” substitute “ SFRS ”.
- (5) In section 19 (agreements in relation to water supply), for “a relevant authority”, where it occurs in each of subsections (1) and (3), substitute “ SFRS ”.
- (6) In section 20(1) (emergency supply by Scottish Water) for “a relevant authority” substitute “ SFRS ”.
- (7) In section 21 (fire hydrants: provision etc.)—
  - (a) in subsection (4) for “the relevant authority in whose area the hydrant is located” substitute “ SFRS ”, and
  - (b) in subsection (6) for “a relevant authority) the relevant authority in whose area the hydrant is located” substitute “ SFRS) SFRS ”.
- (8) In section 23(2)(b) (use of fire hydrants exempt from offences) for “a relevant authority” substitute “ SFRS ”.
- (9) In section 24 (notice of works affecting water supply and fire hydrants)—
  - (a) in subsection (1)—
    - (i) for “a relevant authority” substitute “ SFRS ”, and
    - (ii) for “the authority” substitute “ SFRS ”, and
  - (b) in subsection (3) for “the relevant authority in whose area the hydrant is situated” substitute “ SFRS ”.
- (10) In section 25 (powers of authorised employees in relation to emergencies), in subsection (1)—
  - (a) for “a relevant authority” substitute “ SFRS ”, and
  - (b) for “the authority”, in both places where it occurs, substitute “ SFRS ”.
- (11) In section 27 (powers of authorised employees in relation to obtaining information), in subsection (1)—
  - (a) for “a relevant authority” substitute “ SFRS ”,
  - (b) for “the authority” substitute “ SFRS ”, and
  - (c) for “the authority's” substitute “SFRS's”.
- (12) In section 29 (powers of authorised employees in relation to investigating fires), in subsection (1)—
  - (a) for “a relevant authority” substitute “ SFRS ”, and
  - (b) for “the authority” substitute “ SFRS ”.



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- (13) In section 30 (exercise of authorised employee powers) for “a relevant authority” substitute “ SFRS ”.
- (14) In section 39 (assaulting or impeding employees discharging certain functions)—
- (a) in subsection (1)—
    - (i) in paragraph (a) for “a relevant authority” substitute “ SFRS ”, and
    - (ii) in paragraph (b) for “the authority” substitute “ SFRS ”,
  - (b) in subsection (2)—
    - (i) for “a relevant authority” substitute “ SFRS ”, and
    - (ii) for “that authority” substitute “ SFRS ”, and
  - (c) in subsection (3) for “a relevant authority” substitute “ SFRS ”.
- (15) In section 40 (framework document)—
- (a) in subsection (1)—
    - (i) in paragraph (a) for “relevant authorities” substitute “ SFRS ”,
    - (ii) in paragraph (a) for “their functions” substitute “ its functions under this Act or any other enactment, ”, and
    - (iii) in paragraph (b)(ii) for “those authorities” substitute “ SFRS ”,
  - (b) in subsection (3)—
    - (i) in paragraph (b) for “fire and rescue authorities” substitute “ SFRS ”, and
    - (ii) in paragraph (c) for “relevant authorities have” substitute “ SFRS has ”, and
  - (c) for subsection (6), substitute—
    - “(6) Those persons are—
    - (a) SFRS,
    - (b) such persons as the Scottish Ministers consider represent employees of SFRS,
    - (c) such persons as the Scottish Ministers consider represent local authorities, and
    - (d) such other persons as the Scottish Ministers consider appropriate.”.
- (16) In section 41 (adherence to framework document)—
- (a) for subsection (1), substitute—
    - “(1) In carrying out its functions, SFRS must have regard to the framework document.”,
  - (b) in subsection (2)—
    - (i) for “a relevant authority” substitute “ SFRS ”, and
    - (ii) for “document prepared under section 40(1)” substitute “ framework document ”,
  - (c) in subsection (4), for “the authority”, in both places where it occurs, substitute “ SFRS ”,
  - (d) in subsection (5)—
    - (i) in paragraph (b) for “the authority” substitute “ SFRS ”, and
    - (ii) in paragraph (c) for “relevant authorities have” substitute “ SFRS has ”, and

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- (e) in subsection (6), for “the authority in respect of which it is proposed to be made” substitute “ SFRS ”.
- (17) For the italic cross-heading immediately preceding section 45, substitute— “ CHAPTER 8C EQUIPMENT, FACILITIES AND SERVICES ”.
- (18) In section 47(1) (provision of equipment etc. by Scottish Ministers) for “relevant authorities” substitute “ SFRS ”.
- (19) In section 51 (prohibition on employment of police)—
  - (a) for “A relevant authority” substitute “ SFRS ”, and
  - (b) for “the authority” substitute “ it ”.
- (20) In section 52 (interpretation of Part 2), in the appropriate place in alphabetical order insert the following definitions—
  - ““Chief Inspector” has the meaning given by section 43A(6),”,
  - ““Chief Officer” means the person appointed under paragraph 7 of schedule 1A,”,
  - ““framework document” means the document prepared under, and having effect by virtue of, section 40,”,
  - ““Inspector” has the meaning given by section 43A(6),”.
- (21) In section 59(1) (application of power to make further provision for protection of fire-fighters) for “relevant authorities” substitute “ SFRS ”.
- (22) In section 79(1) (interpretation of Part 3) in the definition of “relevant person” for “a relevant authority” substitute “ SFRS ”.
- (23) In section 80 (inquiries), for “a relevant authority”, where it occurs in each of paragraphs (a) and (b)(iii), substitute “ SFRS ”.
- (24) In section 81(2) (inquiries about which Ministers may not make regulations) for “44” substitute “ 43B ”.
- (25) In section 85(1) (false alarms), for “a relevant authority” substitute “ SFRS ”.
- (26) In section 86 (disposal of land), for “A relevant authority” substitute “ SFRS ”.
- (27) Before section 87, insert—

### **Interpretation**

“86A1) In this Act—

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39); and “area” in relation to a local authority, means the local government area for which the authority is constituted,

“SFRS” has the meaning given by section 1A(1).

- (2) References in this Act to the area of SFRS are to be construed as references to Scotland, but taking the seaward boundary of the area to be the low water mark.”.

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**Commencement Information**

- I105** Sch. 7 para. 68(1)-(14) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**  
**I106** Sch. 7 para. 68(15)(16) in force at 1.10.2012 by S.S.I. 2012/253, **art. 2, Sch.** (with arts. 7, 8(1), 8(3))  
**I107** Sch. 7 para. 68(17)-(27) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

*Gambling Act 2005 (c.19)*

- 69 In section 157 of the Gambling Act 2005 (responsible authorities in relation to premises), for paragraph (f) substitute—  
“(f) the Scottish Fire and Rescue Service.”

**Commencement Information**

- I108** Sch. 7 para. 69 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

*Housing (Scotland) Act 2006 (asp 1)*

- 70 In paragraph 4 of schedule 2 to the Housing (Scotland) Act 2006 (duty to consult on provision for detecting fires), for “fire and rescue authority for the area in which the house concerned is situated” substitute “ Scottish Fire and Rescue Service ”.

**Commencement Information**

- I109** Sch. 7 para. 70 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

*Corporate Manslaughter and Corporate Homicide Act 2007 (c.19)*

- 71 In section 6(2) of the Corporate Manslaughter and Corporate Homicide Act 2007 (duty of care for certain organisations in emergencies), for paragraph (b) substitute—  
“(b) the Scottish Fire and Rescue Service.”

**Commencement Information**

- I110** Sch. 7 para. 71 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

*Public Services Reform (Scotland) Act 2010 (asp 8)*

- 72 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In schedule 5 (improvement of public functions: listed bodies), after the entry for “Scottish Environment Protection Agency” insert— “ Scottish Fire and Rescue Service ”.
- (3) In schedule 8 (information on exercise of public functions: listed public bodies)—  
(a) for the entry “Her Majesty's Chief Inspector of Fire and Rescue Authorities” substitute— “ Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service ”, and

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- (b) after the entry for “Scottish Environment Protection Agency” insert— “  
 Scottish Fire and Rescue Service”.
- (4) In schedule 19 (persons subject to user focus duty), for the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities, Her Majesty’s Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities appointed under section 43 of the Fire (Scotland) Act 2005 (asp 5)” substitute— “  
 Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service, Her Majesty’s Inspectors of the Scottish Fire and Rescue Service and Assistant Inspectors of the Scottish Fire and Rescue Service appointed under section 43A of the Fire (Scotland) Act 2005 (asp 5)”.

**Commencement Information**

- I111** Sch. 7 para. 72(1)(2)(3)(b) in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.  
**I112** Sch. 7 para. 72(3)(a)(4) in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Public Records (Scotland) Act 2011 (asp 12)*

- 73 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of the Act applies), for the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities, Her Majesty’s Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities (appointed under section 43 of the Fire (Scotland) Act 2005 (asp 5))” substitute— “  
 Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service, Her Majesty’s Inspectors of the Scottish Fire and Rescue Service and Assistant Inspectors of the Scottish Fire and Rescue Service appointed under section 43A of the Fire (Scotland) Act 2005 (asp 5)”.

**Commencement Information**

- I113** Sch. 7 para. 73 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

**PART 3**

AMENDMENTS RELATING TO BOTH PARTS

*Pipe-lines Act 1962 (c.58)*

- 74 In section 37 of the Pipe-lines Act 1962 (persons to be notified of certain pipe-line accidents)—
- (a) in subsection (1), for paragraph (a) substitute—  
 “(a) to the Scottish Fire and Rescue Service and the chief constable of the Police Service for Scotland,”
- (b) in subsection (2)—
- (i) after “by” (where it occurs in the opening words), insert “  
 the Scottish Fire and Rescue Service, the chief constable of the Police Service for Scotland,”
- (ii) after “furnish” insert “  
 the Scottish Fire and Rescue Service, the chief constable of the Police Service for Scotland,”

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- (iii) in paragraph (a), for “a fire and rescue authority or police authority” substitute “ the Scottish Fire and Rescue Service or the chief constable of the Police Service for Scotland ”.

**Commencement Information**

**I114** Sch. 7 para. 74 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

*Local Government etc. (Scotland) Act 1994 (c.39)*

75 In section 43(4) of the Local Government etc. (Scotland) Act 1994 (consultation on guidance as to exercise of traffic powers)—

- (a) after “consult” insert—

“(a”),  
and

- (b) for the words from “and”, where it first occurs, to the end substitute—

“(b) the chief constable of the Police Service of Scotland,

(c) the Scottish Fire and Rescue Service, and

(d) the authorities for the areas to which the guidance relates.”.

**Commencement Information**

**I115** Sch. 7 para. 75 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

SCHEDULE 8

(introduced by section 128(2))

REPEALS

PART 1

REPEALS RELATING TO PART 1

**Commencement Information**

**I116** Sch. 8 Pt. 1 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

<i>Enactment</i>	<i>Extent of repeal</i>
Children and Young Persons (Scotland) Act 1937 (c.37)	Section 101(3).
Police (Scotland) Act 1967 (c.77)	The whole Act except for sections 32A and 42.
Social Work (Scotland) Act 1968 (c.49)	In section 94, the definition of “constable”.

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Local Government (Scotland) Act 1973 (c.65)	Section 56(9)(b). Section 63. Section 64(7). Section 236(2)(g).
Criminal Justice (Scotland) Act 1980 (c.62)	In section 81(1), the definition of “constable”.
Civic Government (Scotland) Act 1982 (c.45)	Section 77(2). Section 85(2). Section 86F(4).
Prisons (Scotland) Act 1989 (c.45)	In section 14(4), the words “in their area”. Section 14(7).
Criminal Justice and Public Order Act 1994 (c.33)	In section 163(4), the definition of “chief officer of police”.
Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40)	In Schedule 2, Part 3, the entries relating to the Police (Scotland) Act 1967 (c.77).
Criminal Procedure (Scotland) Act 1995 (c.46)	In section 194I(4), the definition of “police force”. Section 280(5)(b)(i) and (iii).
Police Act 1996 (c.16)	Section 60A. Section 61(1)(ca), (cb), (cc), (cd) and (6). Section 62(1A)(b), (1AA), (1AB) and (1AC). In section 62(2), the words “, or for the purposes of subsection (1AA) or (1AC) above,”. In section 62(3), the words “, section 27 of the Police (Scotland) Act 1967”. Section 64(4E) and (4F).
Crime and Punishment (Scotland) Act 1997 (c.48)	Section 45 and 46. Section 63(1)(a)(iii).
Police Act 1997 (c.50)	Section 93(3)(f), (3B) to (3E), (5)(j) and (6)(cc). In section 94(2)(a), the words “or (d)”. Section 94(2)(h), (4)(aa) and (5) to (7). Section 107(4)(ba).
Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)	In schedule 3, the entry for “The Scottish Police Services Authority”.
Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)	Section 9. Section 10(1A)(b) and (c).

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	Section 10A.
	Section 11(3).
	Section 11(4)(b)(ii).
	Section 11(5).
	Sections 12 and 12A.
	Section 14(5)(b).
	Section 15(7)(aa).
	Section 16(2) and (7).
	Section 18(b).
	Section 20(3), (6) and (7).
	In section 31(1), the entries for “joint surveillance operation” and “police member”.
Transport (Scotland) Act 2001 (asp 2)	In section 48(1), the entry for “police area”.
Police and Fire Services (Finance) (Scotland) Act 2001 (asp 15)	The whole Act.
Scottish Public Services Ombudsman Act 2002 (asp 11)	In schedule 2, paragraph 14. In schedule 4, paragraphs 1(b) and 16.
Freedom of Information (Scotland) Act 2002 (asp 13)	In schedule 1, paragraphs 51, 52 and 52A.
Local Government in Scotland Act 2003 (asp 1)	In section 46(1), the words “or a joint police board”. In section 46(3)(a), the words “or, as the case may be, board”. In section 46(3)(b), the words “or board” and “or, as the case may be, board”. Section 61(b). In section 61(c)(iii) the words “and a joint police board”.
Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)	In schedule 2, the entry “Scottish Police Services Authority”.
Criminal Justice (Scotland) Act 2003 (asp 7)	Section 75. In section 76, subsections (1) to (9).
Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)	In section 1, the word “relevant” at each place it occurs in subsections (3)(f)(i), (ii) and (iii), (4), (8) and (10). In section 2, the word “relevant” at each place it occurs in subsections (1)(a) and (2)(a).

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	In section 20(3)(b), the words “whose police area includes the relevant locality and”.
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)	In section 4(2), paragraphs (b), (c) and (d).
Edinburgh Tram (Line Two) Act 2006 (asp 6)	In section 62(5), the entry beginning “chief officer of police”.
Edinburgh Tram (Line One) Act 2006 (asp 7)	In section 62(5), the entry beginning “chief officer of police”.
Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)	Sections 1 to 32. Section 34(7). Section 41(2) to (5). Section 42. Sections 48 to 50. In section 99, the entry for “the 1967 Act”. Schedules 1 to 3. In schedule 4, paragraph 2(1)(f). In schedule 6, paragraphs 1, 7, 11 and 12.
Public Services Reform (Scotland) Act 2010 (asp 8)	In schedule 5, the entry for “Scottish Police Services Authority”. In schedule 8, the entry for “Scottish Police Services Authority”.
Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)	In schedule 1, the entries for “constable”, “police area”, “police authority” and “police force”.
Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)	Section 31(7). Section 56.
Alcohol etc. (Scotland) Act 2010 (asp 18)	Section 15(3)(b)(ii).
Public Records (Scotland) Act 2011 (asp 12)	In the schedule, the entries for “Joint police boards”, “Police Advisory Board for Scotland” and “Scottish Police Services Authority”.

## PART 2

### REPEALS RELATING TO PART 2

#### Commencement Information

I117 Sch. 8 Pt. 2 in force at 1.4.2013 by S.S.I. 2013/51, art. 2



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**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012 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

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<b>Enactment</b>	<b>Extent of repeal</b>
Gas Act 1965 (c.36)	In section 28(1), the definition of “fire and rescue authority”.
Local Government (Scotland) Act 1973 (c.65)	Section 63A.
Water (Scotland) Act 1980 (c.45)	In section 109(1), the definition of “fire authority”.  In section 1(1) of Schedule 4, the definition of “fire authority”.
Local Government, Planning and Land Act 1980 (c.65)	Section 2(1)(h).
Civic Government (Scotland) Act 1982 (c.45)	In section 8, the definition of “appropriate relevant authority”.  Section 89(4A)(b) and the word “and” immediately preceding it.  Section 89(4B).  Section 93(9).  In section 98(2), the definition of “appropriate relevant authority”.  In paragraph 3 of schedule 2, the definition of “appropriate relevant authority”.
Housing (Scotland) Act 1987 (c.26)	In section 82, the definition of “fire authority”.
Housing (Scotland) Act 1988 (c.43)	Section 43(3)(a)(vii) and the word “or” immediately preceding it.  Section 45(4)(g).
Housing (Scotland) Act 2001 (asp 10)	In paragraph 2 of schedule 1, the words from “A tenancy”, where they first occur, to “such an authority”.
Local Government in Scotland Act 2003 (asp 1)	In section 22(9), the words “Subject to section 16(3) of the Fire (Scotland) Act (asp 5),” and paragraph (c).  In section 61, paragraph (a) and, in paragraph (c), the words “, a joint fire board”,

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	in each place where they occur.
Fire (Scotland) Act 2005 (asp 5)	Section 1. Sections 2 to 7. Section 12. Section 16(5) and (6). Sections 33 and 34. Section 37. Section 41(7). Sections 42 and 43. Sections 44 to 46. Sections 48 to 50. Section 61(4) and (5). Section 67(2). In section 79(1), the definition of “local authority”. Section 88(4)(a). Schedule 1.
Housing (Scotland) Act 2006 (asp 1)	In section 194(1), the definition of “chief officer of the fire and rescue authority”.
Public Services Reform (Scotland) Act 2010 (asp 8)	In schedule 20, the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities, Her Majesty’s Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities appointed under section 43 of the Fire (Scotland) Act 2005 (asp 5)”.

### PART 3

#### REPEALS RELATING TO BOTH PARTS

#### Commencement Information

**I118** Sch. 8 Pt. 3 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012 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](#)

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Pipe-lines Act 1962 (c.58)

Section 37(4)(a).

Local Government etc. (Scotland) Act 1994  
(c.39)

Section 8(5).

In section 8(7), the definitions of “fire personnel” and “police personnel”.

Section 55(7).

In section 55(12), the words from “any” to “1967”.

Local Government in Scotland Act 2003 (asp  
1)

Section 25.

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**Changes to legislation:**

Police and Fire Reform (Scotland) Act 2012 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.

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**Changes and effects yet to be applied to :**

- s. 17(2) word repealed by [2017 asp 4 s. 2\(a\)\(i\)](#)
- s. 17(4)(b) word repealed by [2017 asp 4 s. 2\(b\)\(i\)](#)
- s. 125(2) words substituted by [2017 asp 4 s. 1\(2\)\(a\)](#)
- s. 125(4) words substituted by [2017 asp 4 s. 1\(2\)\(b\)](#)

**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](#)