



Criminal Justice (Scotland) Act 2016

2016 asp 1

PART 6

MISCELLANEOUS

CHAPTER 6

POLICE NEGOTIATING BOARD FOR SCOTLAND

113 Establishment and functions

(1) After section 55 of the Police and Fire Reform (Scotland) Act 2012 there is inserted—

“CHAPTER 8A

POLICE NEGOTIATING BOARD FOR SCOTLAND

55A Establishment of the PNBS

- (1) There is established a body to be known as the Police Negotiating Board for Scotland.
- (2) Schedule 2A makes further provision about the Police Negotiating Board for Scotland.
- (3) In this Chapter, the references to the PNBS are to the Police Negotiating Board for Scotland.

55B Representations about pay etc.

- (1) The PNBS may make representations to the Scottish Ministers about—
 - (a) any draft regulations shared with it under section 54(1)(a),
 - (b) any draft determination of a kind mentioned in subsection (2),
 - (c) the matters mentioned in subsection (4) generally.

Changes to legislation: Criminal Justice (Scotland) Act 2016, Section 113 is up to date with all changes known to be in force on or before 21 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

- (2) The draft determination referred to in subsection (1)(b) is a draft of a determination to be made by the Scottish Ministers—
 - (a) in relation to a matter mentioned in subsection (4), and
 - (b) by virtue of regulations made under section 48.
- (3) The Scottish Ministers may, after consulting the chairperson of the PNBS—
 - (a) require the PNBS to make representations under subsection (1),
 - (b) set or extend a time limit within which it must do so.
- (4) The matters referred to in subsections (1)(c) and (2)(a) are the following matters in relation to constables (other than special constables) and police cadets—
 - (a) pay, allowances and expenses,
 - (b) public holidays and leave,
 - (c) hours of duty.

55C Representations on other matters

- (1) The PNBS may make representations to the Scottish Ministers about—
 - (a) any draft regulations shared with it under section 54(2),
 - (b) the matters mentioned in subsection (2) generally.
- (2) The matters referred to in subsection (1)(b) are matters relating to the governance, administration and conditions of service of constables (other than special constables) and police cadets.
- (3) But those matters do not include the matters mentioned in section 55B(4).

55D Steps following arbitration

- (1) If representations under section 55B(1) are made in terms settled through arbitration in accordance with the PNBS's constitution, the Scottish Ministers must take all reasonable steps appearing to them to be necessary for giving effect to those representations.
- (2) However, this—
 - (a) requires the Scottish Ministers to take such steps only in qualifying cases (see paragraph 8(2) of schedule 2A),
 - (b) does not require the Scottish Ministers—
 - (i) to take such steps in relation to representations that are no longer being pursued by the PNBS, or
 - (ii) where such steps would comprise or include the making of regulations under section 48, to make regulations under that section more than once with respect to the same representations.

55E Reporting by the PNBS

- (1) The PNBS must, as soon as practicable after the end of each reporting year, prepare a report on how it has carried out its functions during that year.

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- (2) The PNBS must—
- (a) give a copy of each report to the Scottish Ministers,
 - (b) publish each report in such manner as it considers appropriate.
- (3) In this Chapter, “reporting year” is as defined in the PNBS's constitution.”.
- (2) In section 54 (consultation on regulations) of the Police and Fire Reform (Scotland) Act 2012, in subsection (1)—
- (a) for the words from “61(1)” to “pensions)” there is substituted “ 55B(4) ”,
 - (b) in paragraph (a), for the words “the United Kingdom” there is substituted “ Scotland ”.
- (3) In section 125 (subordinate legislation) of the Police and Fire Reform (Scotland) Act 2012, after subsection (3) there is inserted—
- “(3A) Regulations under paragraph 5(7) of schedule 2A are subject to the affirmative procedure if they include provisions of the kind mentioned in paragraph 7(2) or 8(2) of that schedule.”.
- (4) After schedule 2 to the Police and Fire Reform (Scotland) Act 2012 there is inserted (as schedule 2A to that Act) the schedule set out in schedule 3.

Commencement Information

- I1** S. 113(1) in force at 9.3.2023 for specified purposes by S.S.I. 2023/49, **art. 2(a)**
- I2** S. 113(1) in force at 17.8.2023 in so far as not already in force by S.S.I. 2023/139, **art. 2(a)**
- I3** S. 113(2) in force at 17.8.2023 by S.S.I. 2023/139, **art. 2(b)**
- I4** S. 113(3)(4) in force at 9.3.2023 by S.S.I. 2023/49, **art. 2(b)**

Changes to legislation:

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

- Act expiry of affecting provision 2022 asp 8, sch. para. 15 by [S.S.I. 2023/360 reg. 2\(a\)](#)