

RAILWAY POLICING (SCOTLAND) ACT 2017

EXPLANATORY NOTES

THE ACT

Limitation on redeployment of constables

32. **Section 6** of the Act limits the ability of the chief constable of Police Scotland to assign constables transferring from the BTP into Police Scotland to duties not relating to the policing of railways and railway property.
33. The limitation on redeployment applies to any constable who transfers from the BTP to Police Scotland by or under an enactment dealing with staff transfers which follows on from this Act (subsection (1)). Subsection (2) specifies that such a constable is to be assigned duties that relate to the policing of railways and railway property and can only be assigned other duties if that is necessary to meet a special demand on resources for policing (e.g. a major incident).
34. Subsection (3) deals with the situation where a constable who transfers from the BTP into Police Scotland as part of the integration is engaged in service outwith the BTP and remains on such service for a period after the transfer. In that case, the application of the limitation is suspended until that service ends. This allows the temporary service to continue without breaching the limitation and requires the constable to be assigned duties relating to the policing of railways and railway property when the constable takes up duties in Police Scotland.
35. Subsection (4) provides a means for any transferred constable to agree to the limitation being lifted, which would enable the constable to move to duties elsewhere in Police Scotland if the constable so wished.