

*Draft Order laid before the Scottish Parliament under section 125(3) of the Police and Fire Reform (Scotland) Act 2012 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**FIRE AND RESCUE SERVICES  
POLICE**

The Police and Fire Reform (Scotland)  
Act 2012 (Supplementary, Transitional,  
Transitory and Saving Provisions) Order 2013

<i>Made</i>	- - - -	<i>2013</i>
<i>Coming into force</i>	- -	<i>2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred on them by sections 126 and 127 of the Police and Fire Reform (Scotland) Act 2012<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 125(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**PART 1**

**PRELIMINARY**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 and comes into force on 1st April 2013.

(2) In this Order, except where the context otherwise requires—

“the 1967 Act” means the Police (Scotland) Act 1967<sup>(2)</sup>;

“the 2006 Act” means the Police, Public Order and Criminal Justice Act 2006<sup>(3)</sup>;

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(1) 2012 asp 8.  
(2) 1967 c.77.  
(3) 2006 asp 10.

“the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;  
“constable of a police force” includes the chief constable of a police force;  
“police authority” and “joint police board” mean, respectively, a police authority or joint police board which was established under the 1967 Act;  
“police force” means a police force which was maintained under the 1967 Act; and  
“relevant authority” has the meaning given by section 6 of the Fire (Scotland) Act 2005(4) as it had effect immediately before the coming into force of this Order.

## PART 2

### GENERAL PROVISIONS

#### **Transitory: terminology**

2.—(1) This article has effect until 1st April 2014.

(2) Where a document issued by, to or in relation to a constable of the Police Service, member of police staff or member of staff of the Authority refers, howsoever expressed, to—

- (a) a police force;
- (b) the Scottish Crime and Drug Enforcement Agency,

and would otherwise be valid, competent or without fault but for that reference, the document is to be construed as if it referred instead to the Police Service.

(3) Where a document issued by, to or in relation to a constable of the Police Service, member of police staff or member of staff of the Authority refers, howsoever expressed, to—

- (a) the Scottish Police Services Authority;
- (b) a police authority;
- (c) a joint police board,

and would otherwise be valid, competent or without fault but for that reference, the document is to be construed as if it referred instead to the Authority.

#### **Transitional: protection of anything done or in process**

3.—(1) The validity of anything done (or having effect as if done) before 1st April 2013 by or on behalf of, to or in relation to any office-holder, person or body mentioned in column 1 of the Table in paragraph (2) is not affected by the coming into force on that date of any provision of the 2012 Act or any subordinate legislation made thereunder or in consequence thereof.

(2) Subject to paragraphs (4) and (5), anything (including, for example, legal proceedings, investigations, applications or consultations) which, before 1st April 2013, is in the process of being done by or on behalf of, to or in relation to an office-holder, person or body mentioned in column 1 of the Table may be continued on and after that date by or on behalf of, to or in relation to an office-holder, person or body mentioned in the corresponding entry in column 2 of the Table.

<i>Column 1</i>	<i>Column 2</i>
a constable of a police force	a constable of the Police Service
a chief constable of a police force	the chief constable of the Police Service

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(4) 2005 asp 5.

<i>Column 1</i>	<i>Column 2</i>
the Director General, Deputy Director General or a police member of the Scottish Crime and Drug Enforcement Agency	a constable of the Police Service
a person employed by a police authority or joint police board	a person employed by the Authority
a person employed by the Scottish Police Services Authority	a person employed by the Authority
a person employed by a relevant authority	a person employed by the Scottish Fire and Rescue Service
a police authority or joint police board	the Authority
the Scottish Police Services Authority	the Authority
a police force	the Police Service
a relevant authority	the Scottish Fire and Rescue Service

(3) Subject to paragraphs (4) and (5), anything done (or having effect as if done) (including, for example, warrants or authorisations) by or on behalf of, to or in relation to an office-holder, person or body mentioned in column 1 of the Table in paragraph (2) before 1st April 2013, has effect on and after that date as if done by or on behalf of, to or in relation to an office-holder, person or body mentioned in the corresponding entry in column 2 of that Table in so far as that is required for continuing its effect on or after that date; and, where appropriate, any such thing is, on and after that date, to have effect as if any reference therein to an office-holder, person or body mentioned in column 1 of the Table were a reference to the office-holder, person or body mentioned in the corresponding entry in column 2 of that Table.

(4) References to an office-holder or person in column 1 of the Table in paragraph (2) include references to an office-holder or person acting in a particular rank or capacity and, where necessary for the purpose of giving effect to paragraph (2) or (3), references to the corresponding office-holder or person in column 2 of the Table are references to the office-holder or person acting in a corresponding rank or capacity.

(5) Paragraphs (2) to (4) are subject to any express provision to the contrary made by this Order, the 2012 Act or any subordinate legislation made thereunder or in consequence thereof.

#### **Supplementary: provision of information**

4.—(1) The Authority must provide the Scottish Ministers with such reports, statistics or other information relating to a predecessor body or predecessor police force as they may reasonably require.

(2) Such information may, in particular, relate to—

- (a) a predecessor body or its functions;
- (b) a predecessor police force or its functions;
- (c) the state of crime before 1st April 2013.

(3) The chief constable must provide the Authority with such reports, statistics or other information relating to—

- (a) a predecessor police force or its functions;
- (b) a predecessor body or its functions, to the extent the chief constable holds the statistics or other information in question;

(c) the state of crime before 1st April 2013,  
as it may reasonably require.

(4) Subsections (4) and (5) of section 84 of the 2012 Act apply to a requirement made under paragraph (3) as they do to a requirement made under section 84(3) of that Act.

(5) Subsections (8) to (10) of section 84 of the 2012 Act apply to any requirement under this article as they do to any requirement under section 84 of that Act.

(6) In this article—

“predecessor body” means a police authority, a joint police board or the Scottish Police Services Authority;

“predecessor police force” means a police force or the Scottish Crime and Drug Enforcement Agency.

### **Supplementary: provision of information**

5.—(1) The Scottish Fire and Rescue Service must provide the Scottish Ministers with such reports, statistics and other information relating to a relevant authority or its functions as the Scottish Ministers may require.

(2) Information provided under this article may in particular relate to the outcomes of fires, events and other situations in relation to which a relevant authority made provision or took action before 1st April 2013.

## **PART 3**

### **JOINT BOARDS**

#### **Interpretation of Part 3**

6. In this Part—

“accounting authority” means a local authority named in column 2 of Table 1 or Table 2 in the Schedule;

“constituent local authority” means a local authority named in column 3 of Table 1 or Table 2 in the Schedule;

“joint board” means a joint board named in column 1 of Table 1 or Table 2 in the Schedule;

“joint fire and rescue board” means a joint fire and rescue board established under the Fire (Scotland) Act 2005<sup>(5)</sup> and named in column 1 of Table 2 in the Schedule;

“joint police board” means a joint police board established under the 1967 Act named in column 1 of Table 1 in the Schedule; and

“the 1973 Act” means the Local Government (Scotland) Act 1973<sup>(6)</sup>.

#### **Closure of accounts etc.**

7.—(1) In respect of each joint board, the accounting authority mentioned in column 2 of the Tables in the Schedule corresponding to that joint board and its officers must, in relation to the accounts and reports for any period ending before 1st April 2013, discharge—

(a) any functions under—

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(5) 2005 asp 5.

(6) 1973 c.65.

- (i) sections 96 to 102, 103A to 103J and 118 of the 1973 Act(7);
  - (ii) the Local Authority Accounts (Scotland) Regulations 1985(8); and
  - (iii) sections 3 to 5, 12 and 13 of the Local Government in Scotland Act 2003(9),
- which would have fallen to be discharged on or after that date by that joint board or its officers; and
- (b) any such functions which fell to be discharged before that date but which have not been discharged.
- (2) As respects anything falling to be done on or after 1st April 2013 in relation to the accounts referred to in paragraph (1), the provisions referred to in that paragraph have effect as if those accounts were the accounts of the accounting authority, but—
- (a) the documents to which an auditor has the right of access under subsection (1) of section 100 of the 1973 Act(10) include any documents relating to the joint board in question which are in the possession of—
    - (i) any constituent local authority corresponding to that joint board;
    - (ii) where the joint board in question was a joint police board, the Scottish Police Authority;
    - (iii) where the joint board in question was a joint fire and rescue board, the Scottish Fire and Rescue Service;
  - (b) the persons who may be required to give information under that subsection include any person who was an officer of the joint board in question, or an officer of a corresponding constituent local authority with knowledge of the joint board’s functions, at any time during the period to which the accounts relate; and
  - (c) the references in subsection (3) of section 101 of the 1973 Act to any officer include any person who was an officer of the joint board in question, or an officer of a corresponding constituent local authority with knowledge of the joint board’s functions, at any time during the period to which the accounts relate.

## Access to documents and information

### 8.—(1) An accounting authority—

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- (7) Section 96 was amended by the Local Government (Scotland) Act 1975 (c.30), section 18; the Local Government etc. (Scotland) Act 1994 (c.39) (“the 1994 Act”), Schedule 4, paragraph 1; and the Public Finance and Accountability (Scotland) Act 2000 (asp 1) (“the 2000 Act”), schedule 4, paragraph 3(2). Section 97 was amended by the Local Government (Scotland) Act 1975 (c.30), Schedule 6, paragraph 48; the Local Government Act 1988 (c.9), section 35(2); the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 7, paragraph 3; the Social Security Administration (Fraud) Act 1997 (c.47) (“the 1997 Act”), section 7(2); the Health Act 1999 (c.8), Schedule 5, paragraph 1; the 2000 Act, schedule 4, paragraph 3(3); the Local Government in Scotland Act 2003 (asp 1) (“the 2003 Act”), section 53; and S.I. 1991/1997 and 2008/948. Sections 97A and 97B were inserted by the Local Government Act 1988 (c.9), section 35(3). Section 97A was amended by the 2000 Act, schedule 4, paragraph 3(4) and the 2003 Act, section 6. Section 97B was amended by the 2003 Act, section 54(1). Section 98 was amended by the 2000 Act, schedule 4, paragraph 3(5). Section 99 was amended by the 2003 Act, section 55. Section 100 was amended by the Criminal Procedure (Scotland) Act 1975 (c.21), sections 289F and 289G; the 1990 Act, Schedule 7, paragraph 7(3); the 1994 Act, Schedule 13, paragraph 92(25) and Schedule 14, paragraph 1; the 2000 Act, schedule 4, paragraph 3(7); and the 2003 Act, section 54(2). Section 101 was amended by the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31), section 10(1) and the 2000 Act, schedule 4, paragraph 3(8). Section 101A was inserted by the 1997 Act, section 7(3). Section 102 was amended by the Local Government and Housing Act 1989 (c.42), section 185(b); the 1994 Act, Schedule 13, paragraph 92(26); the 2000 Act, schedule 4, paragraph 3(9)(b); the Ethical Standards in Public Life (Scotland) Act 2000 (asp 7), section 33(1); the 2003 Act, section 56; and the Public Services Reform (Scotland) Act 2010 (asp 8), section 129. Sections 103A to 103J were inserted by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7), section 33(3). Section 118 was amended by the 1994 Act, Schedule 14, paragraph 1 and the Transport (Scotland) Act 2005 (asp 12), schedule 1, paragraph 15(3).
  - (8) S.I. 1985/267. As amended by S.S.I. 2011/64.
  - (9) 2003 asp 1.
  - (10) 1973 c.65. As amended by the Public Finance and Accountability (Scotland) Act 2000 (asp 1), schedule 4, paragraph 3(7)(a).

- (a) has a right of access at all reasonable times to all documents which—
    - (i) are in the possession, or under the control of—
      - (aa) where the joint board in question was a joint police board, the Scottish Police Authority or the chief constable of the Police Service of Scotland;
      - (bb) where the joint board in question was a joint fire and rescue board, the Scottish Fire and Rescue Service;
      - (cc) any constituent local authority corresponding to that joint board; and
    - (ii) appear to the accounting authority to be needed for the purpose of discharging its functions conferred under article 7; and
  - (b) may require any person mentioned in article 7(2)(b) or any person who has been an officer or member of the joint board to give to the accounting authority any such information as they think necessary for the purpose mentioned in paragraph (1)(a)(ii).
- (2) It is the duty—
- (a) where the joint board in question was a joint police board, of the Scottish Police Authority and the chief constable;
  - (b) where the joint board in question was a joint fire and rescue board, of the Scottish Fire and Rescue Service; and
  - (c) of every constituent local authority corresponding to a joint board,
- to co-operate with and provide such assistance on or after 1st April 2013 as may be reasonably required of them by the corresponding accounting authority to enable the accounts of the joint board to be closed.

### Claims

**9.—(1)** In respect of each joint board, the accounting authority mentioned in column 2 of the Tables in the Schedule corresponding to that joint board is, in relation to any period ending before 1st April 2013, entitled to make any claim and receive any sums which would have fallen to be made and received by the joint board after that date.

- (2) Where an accounting authority receives any such sums it must transfer them—
- (a) where the joint board in question was a joint police board, to the Scottish Police Authority; or
  - (b) where the joint board in question was a joint fire and rescue board, to the Scottish Fire and Rescue Service.

### Abstract accounts and certified abstract accounts

**10.—(1)** At the same time as the officer of the accounting authority submits copies of the abstract account to the accounting authority in accordance with regulation 4(1) of the Local Authority Accounts (Scotland) Regulations 1985 (as applied by article 7(1)(a)(ii)), the officer must send a copy of it—

- (a) where the joint board in question was a joint police board, to the Scottish Police Authority and each constituent local authority corresponding to the joint board in question; and
- (b) where the joint board in question was a joint fire and rescue board, to the Scottish Fire and Rescue Service and each constituent local authority corresponding to the joint board in question.

(2) At the same time as the accounting authority causes each certified abstract of account and each report received under section 102(1) of the 1973 Act<sup>(11)</sup> to be laid before a meeting of the accounting authority in accordance with regulation 6(1) of the Regulations mentioned in paragraph (1), the accounting authority must send a copy of each certified abstract of account and report—

- (a) in relation to a joint police board, to the Scottish Police Authority and each constituent local authority corresponding to the joint board in question; and
- (b) in relation to a joint fire and rescue board, to the Scottish Fire and Rescue Service and each constituent local authority corresponding to the joint board in question.

## PART 4

### SCOTTISH POLICE SERVICES AUTHORITY AND SCOTTISH CRIME AND DRUG ENFORCEMENT AGENCY

#### **Scottish Police Services Authority and Scottish Crime and Drug Enforcement Agency: annual reports for year to 31st March 2013**

**11.**—(1) Despite their repeal by schedule 8 to the 2012 Act, the following provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006<sup>(12)</sup> continue to have effect on and after 1st April 2013 subject to the modifications in paragraph (2)—

- (a) section 1(2) so far as necessary to give effect to paragraph 16 of schedule 1;
  - (b) section 7;
  - (c) section 8;
  - (d) section 15;
  - (e) in section 32, the definitions of “the Agency” and “the Authority”; and
  - (f) paragraph 16 of schedule 1.
- (2) The provisions mentioned in paragraph (1) are modified as follows—
- (a) in section 7—
    - (i) in subsection (1)—
      - (aa) for “the end of each financial year, the Authority” substitute “31st March 2013, the Scottish Police Authority”; and
      - (bb) for “the year” substitute “the period of 12 months ending with 31st March 2013”;
    - (ii) in subsection (3)—
      - (aa) for “modifies” substitute “modified”; and
      - (bb) for “the Authority” where it second occurs substitute “the Scottish Police Authority”; and
    - (iii) in subsection (4)—
      - (aa) for “The Authority” substitute “The Scottish Police Authority”; and
      - (bb) for “each of the persons mentioned in section 6(7)(a) to (c)” substitute “the chief constable of the Police Service of Scotland and such other persons as the Scottish Police Authority considers appropriate”;

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<sup>(11)</sup> 1973 c.65. As amended by the Local Government in Scotland Act 2003 (asp 1), section 56.

<sup>(12)</sup> 2006 asp 10.

- (b) in section 8 for “The Authority” substitute “The Scottish Police Authority”;
- (c) in section 15—
  - (i) in subsection (1)—
    - (aa) for “the end of each financial year, the Director General of the Agency” substitute “31st March 2013, the Scottish Police Authority”;
    - (bb) in paragraph (b) for “Director General” substitute “Scottish Police Authority”; and
    - (cc) for “the year” substitute “the period of 12 months ending with 31st March 2013”; and
  - (ii) in subsection (3)—
    - (aa) for “The Director General” substitute “The Scottish Police Authority”; and
    - (bb) from “the Authority” to the end substitute “the Scottish Ministers, the chief constable of the Police Service of Scotland and such other persons as the Scottish Police Authority considers appropriate”; and
- (d) in paragraph 16 of schedule 1—
  - (i) in sub-paragraphs (1) and (3) for “The Authority” substitute “The Scottish Police Authority”;
  - (ii) in sub-paragraph (1)(a) after “the accounts” insert “for the period of 12 months ending with 31st March 2013”; and
  - (iii) in sub-paragraph (1)(b) for “each financial year” substitute “the period of 12 months ending with 31st March 2013”.

## PART 5

### POLICE APPEALS TRIBUNALS

#### **Saving: police appeals tribunals for appeals pending immediately before 1st April 2013**

**12.**—(1) Section 30(1) to (5) of, and Schedule 3 to, the 1967 Act continue to have effect, subject to the modifications in paragraph (2), in relation to any appeal under section 30 of that Act in which a notice of appeal under the Police Appeals Tribunals (Scotland) Rules 1996<sup>(13)</sup> was sent to the Registrar thereunder before 1st April 2013.

(2) For the purpose of paragraph (1), Schedule 3 to the 1967 Act is subject to the following modifications—

- (a) where the members of the tribunal have been appointed before 1st April 2013, subject to rule 16(5) of the Police Appeals Tribunals (Scotland) Rules 1996, the tribunal continues to consist of those members after that date;
- (b) where the members of the tribunal have not been appointed before that date—
  - (i) in paragraph 1—
    - (aa) in sub-paragraph (1)(b) from “a police authority” to the end substitute “the Scottish Police Authority; and”; and
    - (bb) in sub-paragraph (1)(c) after “inspector of constabulary” insert “appointed under this Act or section 71 of the Police and Fire Reform (Scotland) Act 2012”; and

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<sup>(13)</sup> S.I. 1996/1644.



- (ii) in paragraph 2—
  - (aa) in sub-paragraph (1) for “the relevant police authority” substitute “the Scottish Police Authority”; and
  - (bb) in sub-paragraph (1)(c) after “of the police force” insert “which made the decision that is being appealed”;
- (c) for paragraph 6(2) substitute—

“(2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable of the Police Service of Scotland or by an advocate or a solicitor; and the respondent to be represented by a constable of the Police Service of Scotland, a member of police staff or staff of the Scottish Police Authority or by an advocate or a solicitor.”;
- (d) in paragraph 7—
  - (i) in sub-paragraph (2) for “in the force, or” substitute “in the Police Service of Scotland, or” and for “in the force or” substitute “or served”; and
  - (ii) in sub-paragraph (3) omit “in the force”;
- (e) in paragraph 9 for “the relevant police authority” in both places substitute “the Scottish Police Authority”; and
- (f) in paragraph 10—
  - (i) before sub-paragraph (a) insert—
    - “(aa) “a member of police staff” means an individual appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012;
    - (ab) “staff of the Scottish Police Authority” means an individual appointed under paragraph 6(1) of schedule 1 to that Act;”;
  - (ii) omit sub-paragraph (b).

## PART 6

### MISCELLANEOUS

#### **Transitional: Theatres Act 1968**

**13.**—(1) Paragraph (2) applies to an appeal made on or after 1st April 2013 under section 14 of the Theatres Act 1968<sup>(14)</sup> in relation to an application of which, in accordance with paragraph 2(1) of Schedule 1 to that Act<sup>(15)</sup>, notice was given to the chief constable of a police force.

(2) Notice of an appeal to which this paragraph applies is, despite section 14(4) of the Theatres Act 1968, to be given to the chief constable of the Police Service.

#### **Transitional: Sexual Offences Act 2003**

**14.** In section 96A(2)(d) of the Sexual Offences Act 2003<sup>(16)</sup> the reference to an attempt by a constable of the Police Service of Scotland to examine and search premises includes such an attempt before 1st April 2013 by a constable of a police force maintained under the 1967 Act for the area in which the premises are situated.

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<sup>(14)</sup> 1968 c.54. There are amendments to section 14 which are not relevant to this Order.

<sup>(15)</sup> There are amendments to Schedule 1 which are not relevant to this Order.

<sup>(16)</sup> 2003 c.42. Section 96A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 80 and amended by the Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/).

### **Transitional: Children’s Hearings (Scotland) Rules 1996**

15.—(1) Paragraph (2) applies where—

- (a) the Principal Reporter decides, on or after 1st April 2013, in terms of rule 3(2) of the Children’s Hearings (Scotland) Rules 1996<sup>(17)</sup> that no further action is required in relation to a case; and
- (b) that Reporter received information in relation to that case from a constable of a police force.

(2) Where this paragraph applies, the Principal Reporter must give notice of the decision mentioned in paragraph (1)(a) to the chief constable of the Police Service of Scotland.

(3) Paragraph (4) applies where—

- (a) a children’s hearing has, on or after 1st April 2013, made a decision disposing of a case of a child under Part IV of the Children’s Hearings (Scotland) Rules 1996; and
- (b) the information leading to the investigation of the case of the child was given by a constable of a police force.

(4) Where this paragraph applies, the Principal Reporter must, as soon as reasonably practicable, give notice of the decision to the chief constable of the Police Service of Scotland.

### **Transitional: complaints handling**

16.—(1) Paragraph (2) applies to any complaint made, given or sent to the appropriate authority in relation to the complaint on or after 1st April 2013—

(a) in relation to an act or omission before that date of—

- (i) a police authority;
- (ii) a joint police board;
- (iii) a police force;
- (iv) a constable of a police force;
- (v) an individual employed or appointed by virtue of section 9 of the 1967 Act;
- (vi) a member of staff of the Scottish Police Services Authority; or
- (vii) a member of the Scottish Crime and Drug Enforcement Agency; and

(b) which would, if made in relation to an act or omission of the Authority, the Police Service or a person serving with the police (within the meaning given by section 34(7) of the 2006 Act), be a relevant complaint within the meaning given by Chapter 2 of Part 1 of that Act.

(2) A complaint to which this paragraph applies is to be treated, on and after 1st April 2013, as if it were a “relevant complaint” for the purposes of—

- (a) Chapter 2 of Part 1 of the 2006 Act; and
- (b) Chapter 10 of Part 1 of the 2012 Act.

(3) Paragraph (4) applies to any complaint given or sent before 1st April 2013 which was a “relevant complaint” within the meaning given by Chapter 2 of Part 1 of the 2006 Act as it had effect immediately before that date.

(4) A complaint to which this paragraph applies is to be treated, on and after 1st April 2013, as if it were a “relevant complaint” for the purposes of—

- (a) Chapter 2 of Part 1 of the 2006 Act; and
- (b) Chapter 10 of Part 1 of the 2012 Act.

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<sup>(17)</sup> S.I. 1996/3261.

(5) For the purposes of Chapter 2 of Part 1 of the 2006 Act and this article, the appropriate authority in relation to a complaint to which paragraphs (2) and (4) apply is—

- (a) the Authority where the complaint relates to an act or omission of—
  - (i) a person mentioned in paragraph (1)(a)(i), (ii) or (vi);
  - (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank above chief superintendent; or
  - (iii) an individual who, when the act or omission occurred, was the Director General of the Scottish Crime and Drug Enforcement Agency; and
- (b) the chief constable where the complaint relates to an act or omission of—
  - (i) a body mentioned in paragraph (1)(a)(iii);
  - (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank of or below chief superintendent;
  - (iii) an individual mentioned in paragraph (1)(a)(v); or
  - (iv) an individual who, when the act or omission occurred, was a member of the Scottish Crime and Drug Enforcement Agency other than the Director General.

#### **Transitional: rewards**

17. Any reward which would, immediately before 1st April 2013, have been payable by a police authority under section 46 of the 1967 Act may, on the recommendation of the chief constable of the Police Service, be paid by the Authority.

#### **Transitional: Her Majesty's inspectors of constabulary in Scotland**

18.—(1) This article applies to any inquiry or inspection being carried out immediately before 1st April 2013 under section 33(3) of the 1967 Act by the 1967 Act inspectors.

(2) An inquiry or inspection to which this article applies may be continued, on and after 1st April 2013, by the 2012 Act inspectors.

(3) The 2012 Act inspectors must, on completing an inquiry or inspection continued by virtue of this article, give a report of that inquiry or inspection to—

- (a) the Authority;
- (b) the chief constable; and
- (c) in the case of an inspection required by the Scottish Ministers under section 26A of the 1967 Act<sup>(18)</sup>, the Scottish Ministers.

(4) A report given in pursuance of paragraph (3) is to be treated, for the purposes of section 80 of the 2012 Act, as if it were a report given by the 2012 Act inspectors under section 78 or 79 of that Act.

(5) In this article—

“1967 Act inspectors” means the inspectors of constabulary appointed, before 1st April 2013, under section 33(1) of the 1967 Act; and

“2012 Act inspectors” means the inspectors of constabulary appointed under section 71 of the 2012 Act.

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<sup>(18)</sup> 1967 c.77. Section 26A was inserted by the Police and Magistrates' Courts Act 1994 (c. 29), section 54 and repealed by schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 No. 121*

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St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## SCHEDULE

Articles 6, 7, 9 and 10

**Table 1 – Joint Police Boards established under the 1967 Act**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Joint Board</i>	<i>Corresponding accounting local authority</i>	<i>Constituent local authority</i>
Central Scotland Joint Police Board	Stirling	Clackmannanshire Falkirk Stirling
Grampian Joint Police Board	Aberdeen City	Aberdeen City Aberdeenshire Moray
Lothian and Borders Police Board	Edinburgh (City of)	East Lothian Edinburgh (City of) Midlothian Scottish Borders West Lothian
Northern Joint Police Board	Highland	Eilean Siar Highland Orkney Islands Shetland Islands
Strathclyde Joint Police Board	Glasgow City	Argyll & Bute East Ayrshire East Dunbartonshire East Renfrewshire Glasgow City Inverclyde North Ayrshire North Lanarkshire

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 No. 121*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Joint Board</i>	<i>Corresponding accounting local authority</i>	<i>Constituent local authority</i>
		Renfrewshire South Ayrshire South Lanarkshire West Dunbartonshire
Tayside Joint Police Board	Angus	Angus Dundee City Perth & Kinross

**Table 2 – Joint Fire and Rescue Boards established under the Fire (Scotland) Act 2005**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Joint Board</i>	<i>Corresponding accounting local authority</i>	<i>Constituent local authority</i>
Central Scotland Joint Fire and Rescue Board	Falkirk	Clackmannanshire Falkirk Stirling
Grampian Joint Fire and Rescue Board	Aberdeenshire	Aberdeen City Aberdeenshire Moray
Highland and Islands Fire and Rescue Board	Highland	Eilean Siar Highland Orkney Islands Shetland Islands
Lothian and Borders Fire and Rescue Board	Edinburgh (City of)	East Lothian Edinburgh (City of) Midlothian Scottish Borders

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Joint Board</i>	<i>Corresponding accounting local authority</i>	<i>Constituent local authority</i>
		West Lothian
Strathclyde Fire and Rescue Board	South Lanarkshire	Argyll & Bute East Ayrshire East Dunbartonshire East Renfrewshire Glasgow City Inverclyde North Ayrshire North Lanarkshire Renfrewshire South Ayrshire South Lanarkshire West Dunbartonshire
Tayside Fire and Rescue Board	Perth & Kinross	Angus Dundee City Perth & Kinross

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes supplementary, transitional, transitory and saving provision in connection with the coming into force of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”).

Part 2 contains general provisions. Article 2 makes provision so that in any document issued in the period from 1st April 2013 to 1st April 2014 to or by or in relation to a constable of the Police Service of Scotland, a member of police staff or member of staff of the Scottish Police Authority, any reference to a police force which was established under the Police (Scotland) Act 1967 or to

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013 No. 121*

the Scottish Crime and Drug Enforcement Agency is to be construed as a reference to the Police Service of Scotland. Analogous provision is made in relation to references in documents to the Scottish Police Services Authority, a police authority or joint police board established under the Police (Scotland) Act 1967.

Article 3 makes general transitional provision so that the transition to new policing and fire and rescue service structures does not affect the validity of anything done before transition. Provision is also made so that anything in the process of being done before 1st April 2013 may be carried on after that date by the equivalent person or body mentioned. Further, provision is made so that anything which has been done before that date by the persons and bodies mentioned is to be regarded after 1st April 2013 as if it had been done by the equivalent new person or body.

Article 4 makes provision so that information about what predecessor bodies or police forces did can continue to be provided to the Scottish Ministers and the Scottish Police Authority. Article 5 makes equivalent provision in relation to fire and rescue services.

Part 3 contains financial provision about joint boards and accounting. Local government finance provisions are applied to joint boards and this Part makes provision so that, when the joint police boards and joint fire and rescue boards are dissolved on 1st April 2013, a nominated constituent local authority (named the “accounting authority”) is to prepare the necessary accounts in respect of the financial year ending before 1st April 2013 and for those accounts to follow the normal audit processes.

Part 4 makes provision for certain provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 to continue in force subject to modifications, despite their repeal by the 2012 Act. These provisions are saved and modified so that reports in relation to the year ending 31st March 2013 may continue to be provided, and for information in relation to that year to continue to be provided to the Scottish Ministers.

Part 5 makes saving provision in relation to Police Appeals Tribunals. The provisions of the Police (Scotland) Act 1967 about such tribunals are saved with modifications so that cases ongoing as at 1st April 2013 may continue to be heard to their conclusion. These provisions should be read in conjunction with the transitional provisions contained in the Police Appeals Tribunals (Scotland) Rules 2013.

Part 6 makes miscellaneous transitional provision for those situations which are not caught by the general provision in Part 2 of the Order.