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STATUTORY INSTRUMENTS

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**2013 No. 602**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
FIRE AND RESCUE SERVICES  
POLICE**

**The Police and Fire Reform (Scotland) Act 2012  
(Consequential Provisions and Modifications) Order 2013**

*Made* - - - - *12th March 2013*  
*Coming into force* - - *1st April 2013*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(2), (3), (4) and (5) and 114(1) of the Scotland Act 1998<sup>(1)</sup>.

In accordance with section 115(1) of, and paragraphs 1, 2, 3 and 5(1) of Schedule 7<sup>(2)</sup> to, that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

**PART 1**

**PRELIMINARY**

**Citation, commencement and extent**

**1.—(1)** This Order may be cited as the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.

**(2)** This Order comes into force on 1st April 2013.

**(3)** Subject to paragraphs (4) to (8), the provisions of this Order extend to the whole of the United Kingdom.

**(4)** Articles 3 to 14 and 24 extend to Scotland only.

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<sup>(1)</sup> 1998 c.46. There are amendments to section 104 not relevant to this Order. Section 112 was amended by section 13(2) of the Scotland Act 2012 (c.11). Section 113 was amended by section 39(2) of the Scotland Act 2012.  
<sup>(2)</sup> Paragraphs 1 and 2 were amended by section 39 of the Scotland Act 2012 (c.11).

(5) The modifications specified in Schedule 1 (and article 25 in so far as it relates to those modifications) have the same extent as the provisions being modified, except that the modifications do not extend to Scotland.

(6) Subject to paragraph (7), the modifications specified in Schedule 2 (and article 26 in so far as it relates to those modifications) have the same extent as the provisions being modified.

(7) The modifications specified in paragraphs 65, 66, 73, 74(2) and 76 of Schedule 2 (and article 26 in so far as it relates to those modifications) extend to Scotland only.

(8) In Schedule 3—

- (a) paragraphs 1 to 11 and 13 to 18 (and article 27 in so far as it relates to those paragraphs) have the same extent as the provisions to which they relate; and
- (b) paragraphs 12 and 19 (and article 27 in so far as it relates to those paragraphs) extend to Scotland only.

## Interpretation

2. In this Order—

“1967 Act” means the Police (Scotland) Act 1967(3);

“1968 Act” means the Firearms Act 1968(4);

“1987 Act” means the Ministry of Defence Police Act 1987(5);

“1988 Act” means the Firearms (Amendment) Act 1988(6);

“1996 Act” means the Police Act 1996(7);

“2000 Act” means the Regulation of Investigatory Powers Act 2000(8);

“2004 Act” means the Fire and Rescue Services Act 2004(9);

“2005 Act” means the Fire (Scotland) Act 2005(10);

“2006 Order” means the Fire and Rescue Services (Northern Ireland) Order 2006(11);

“2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006(12);

“2012 Act” means the Police and Fire Reform (Scotland) Act 2012(13);

“2004 Act authority” means—

- (a) a fire and rescue authority determined under section 1 of the 2004 Act;
- (b) a fire and rescue service for a combined area constituted by order under section 2 of the 2004 Act(14);
- (c) a combined authority constituted by a scheme to which section 4(15) of the 2004 Act applies;

“2004 Act function” means a function conferred by or under any of sections 7 to 9 and 11 of the 2004 Act;

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(3) 1967 c.77.

(4) 1968 c.27.

(5) 1987 c.4.

(6) 1988 c.45.

(7) 1996 c.16.

(8) 2000 c.23.

(9) 2004 c.21.

(10) 2005 asp 5.

(11) S.I. 2006/1254 (N.I. 9).

(12) 2006 asp 10.

(13) 2012 asp 8.

(14) There are amendments to section 2 not relevant to this Order.

(15) There are amendments to section 4 not relevant to this Order.

“board function” means a function conferred by or under any of articles 5 to 8 of the 2006 Order;

“customs revenue functions” has the meaning given in section 7(9) of the Borders, Citizenship and Immigration Act 2009<sup>(16)</sup>;

“customs revenue official” means a person designated by the Director of Border Revenue under section 11 of the Borders, Citizenship and Immigration Act 2009;

“Director of Border Revenue” means the official designated by the Secretary of State under section 6 of the Borders, Citizenship and Immigration Act 2009;

“enforcement functions” includes, in particular, reference to—

- (d) powers of entry;
- (e) power to search persons or property;
- (f) power to seize or detain property;
- (g) power to arrest persons;
- (h) power to detain persons; and
- (i) powers to examine persons or otherwise to obtain information (including powers to take fingerprints or to acquire other personal data);

“fire and rescue officer” has the meaning given by article 2(2) of the 2006 Order;

“general customs functions” has the meaning given in section 1(8) of the Borders, Citizenship and Immigration Act 2009<sup>(17)</sup>;

“general customs official” means a person designated by the Secretary of State under section 3 of the Borders, Citizenship and Immigration Act 2009;

“immigration officer” means a person appointed under paragraph 1 of Schedule 2 to the Immigration Act 1971<sup>(18)</sup>;

“Northern Ireland Board” means the Northern Ireland Fire and Rescue Service Board;

“Scottish chief officer” means a chief constable of a police force maintained under section 2 of the 1967 Act.

“SFRS” means the Scottish Fire and Rescue Service;

“SFRS function” means a function conferred by or under any of sections 9 to 11 and 13 of the 2005 Act;

“SOCA” means the Serious Organised Crime Agency;

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

“the relevant day” is the day on which this Order comes into force.

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<sup>(16)</sup> 2009 c.11.

<sup>(17)</sup> Section 1(8) has been amended by the Treaty of Lisbon (Change in Terminology) Order 2011 (S.I. 2011/1043), Part 2, article 6(2)(a).

<sup>(18)</sup> 1971 c.77. Paragraph 1 of Schedule 2 has been amended by the Health Protection Agency Act 2004 (c.17), Schedule 3, paragraph 3 and by S.I. 1993/1813, Schedule 5, paragraph 1(a).

## PART 2

### POLICE

#### Agreements to investigate serious incidents

3.—(1) The Commissioner and the British Transport Police Authority may enter into an agreement for the Commissioner to investigate and report, where requested to do so by that Authority or the chief constable of the British Transport Police Force, on any serious incident involving the British Transport Police Force.

(2) A “serious incident involving the British Transport Police Force” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act<sup>(19)</sup> except that “a person serving with the police” means a constable of the British Transport Police Force and any other persons specified in the agreement who serve with that Force or who are employed by the British Transport Police Authority.

(3) The Commissioner and the Civil Nuclear Police Authority may enter into an agreement for the Commissioner to investigate and report, where requested to do so by that Authority or the chief constable of the Civil Nuclear Constabulary, on any serious incident involving the Civil Nuclear Constabulary.

(4) A “serious incident involving the Civil Nuclear Constabulary” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means a member of the Civil Nuclear Constabulary and any other persons specified in the agreement who serve with that Constabulary or who are employed by the Civil Nuclear Police Authority.

(5) The Commissioner and the Secretary of State may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the chief constable of the Ministry of Defence Police, on any serious incident involving the Ministry of Defence Police.

(6) A “serious incident involving the Ministry of Defence Police” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means a member of the Ministry of Defence Police.

(7) The Commissioner and SOCA may enter into an agreement for the Commissioner to investigate and report, where requested to do so by SOCA, on any serious incident involving SOCA.

(8) A “serious incident involving SOCA” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means a member of the staff of SOCA.

(9) The Commissioner and the Commissioners for Her Majesty’s Revenue and Customs may enter into an agreement for the Commissioner to investigate and report, where requested to do so by the Commissioners for Revenue and Customs, on any serious incident involving Her Majesty’s Revenue and Customs.

(10) A “serious incident involving Her Majesty’s Revenue and Customs” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means an officer of Revenue and Customs, but only when acting in the exercise of such enforcement functions as may be specified in an agreement made under paragraph (9).

(11) The Commissioner and the Secretary of State may enter into an agreement for the Commissioner to investigate and report on any serious incident involving an immigration officer or an official of the Secretary of State carrying out functions relating to immigration or asylum.

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<sup>(19)</sup> Section 41B was inserted by section 64 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (the “2012 Act”).

(12) A “serious incident involving an immigration officer or an official of the Secretary of State carrying out functions relating to immigration or asylum” has the same meaning as a “serious incident involving the police” in section 41B of the 2006 Act except that “a person serving with the police” means an immigration officer or an official of the Secretary of State carrying out functions relating to immigration or asylum, but only when acting in the exercise of such enforcement functions as may be specified in an agreement made under paragraph (11).

(13) An agreement made under paragraph (11) of this article must not establish and maintain procedures in relation to complaints about the exercise by any person of a function conferred on him by or under Part 8 of the Immigration and Asylum Act 1999<sup>(20)</sup>.

(14) The Commissioner and the Secretary of State may enter into an agreement for the Commissioner to investigate and report on a serious incident involving a general customs official.

(15) A “serious incident involving a general customs official” has the same meaning as in section 41B of the 2006 Act except that “a person serving with the police” means a general customs official or any other person exercising general customs functions under the authority of the Secretary of State or the Director of Border Revenue, but only when acting in the exercise of such enforcement functions as may be specified in an agreement under paragraph (14).

(16) The Commissioner and the Director of Border Revenue may enter into an agreement for the Commissioner to investigate and report on a serious incident involving a customs revenue official.

(17) A “serious incident involving a customs revenue official” has the same meaning as in section 41B of the 2006 Act except that “a person serving with the police” means a customs revenue official or any other person exercising customs revenue functions under the authority of the Director of Border Revenue, but only when acting in the exercise of such enforcement functions as may be specified in an agreement made under paragraph (16).

(18) An agreement made under this article is not to be made, varied or terminated without the approval of—

- (a) the Scottish Ministers in a case where—
  - (i) the Secretary of State is a party to the agreement; or
  - (ii) the agreement is made under paragraph (9); and
- (b) in all other cases, the Secretary of State and the Scottish Ministers.

(19) Where the Commissioner enters into an agreement under this article, for the purposes of section 33A of the 2006 Act<sup>(21)</sup> the Commissioner is to be regarded as having the functions set out in the agreement.

(20) An agreement made under this article—

- (a) may specify types or categories of serious incident which may or may not be investigated and reported on by the Commissioner;
- (b) may make different provision for different purposes or circumstances;
- (c) include provision for payment to the Commissioner for any function which the Commissioner may exercise under it;
- (d) may make provision only in relation to Scotland.

### **Investigation of crimes and deaths**

4. For the purposes of section 33A(b) of the 2006 Act, a person serving with the police includes—

- (a) a constable of the British Transport Police Force, any person serving with that Force and any person employed by the British Transport Police Authority;

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<sup>(20)</sup> 1999 c.33.

<sup>(21)</sup> Section 33A was inserted by section 62 of the 2012 Act.

- (b) a member of the Civil Nuclear Constabulary, any person serving with that Constabulary and any person employed by the Civil Nuclear Police Authority;
- (c) a member of the Ministry of Defence Police;
- (d) a member of the staff of SOCA;
- (e) an officer of Revenue and Customs, but only when acting in the exercise of enforcement functions;
- (f) a general customs official and any other person exercising general customs functions under the authority of the Secretary of State or the Director of Border Revenue, but only when acting in the exercise of enforcement functions;
- (g) a customs revenue official and any other person exercising customs revenue functions under the authority of the Director of Border Revenue, but only when acting in the exercise of enforcement functions;
- (h) an immigration officer and an official of the Secretary of State exercising functions relating to asylum and immigration, but only when acting in the exercise of enforcement functions.

#### **Assistance by British Transport Police Force to Police Service of Scotland**

5.—(1) The chief constable of the British Transport Police Force may provide constables or other assistance for the purposes of enabling the Police Service of Scotland to meet any special demand on its resources.

(2) Such assistance—

- (a) may be provided at the request of the chief constable of the Police Service of Scotland;
- (b) must be provided if the Secretary of State, on being satisfied that it is expedient in the interests of public safety that the Police Service of Scotland should be reinforced or should receive other resources for the purposes of enabling it to meet any special demand on its resources, so directs.

(3) Assistance is to be provided on such terms as may be agreed between the British Transport Police Authority and the Scottish Police Authority (including terms for meeting the costs of such assistance) or, failing such agreement, on such terms as may be determined by the Secretary of State and the Scottish Ministers (acting jointly).

(4) A constable providing assistance in pursuance of this article—

- (a) is under the direction and control of the chief constable of the Police Service of Scotland;
- (b) has all the functions conferred on a constable of the Police Service of Scotland; and
- (c) has all the powers and privileges of a constable serving with the Police Service of Scotland.

(5) Section 24 of the 2012 Act applies in relation to a constable providing assistance under this article as it applies in relation to a constable engaged on service with the Police Service of Scotland.

#### **Assistance by Police Service of Scotland to British Transport Police Force**

6.—(1) The chief constable of the Police Service of Scotland may, at the request of the chief constable of the British Transport Police Force, provide constables or other assistance for the purposes of enabling the British Transport Police Force to meet any special demand on its resources.

(2) Assistance is to be provided on such terms as may be agreed between the Scottish Police Authority and the British Transport Police Authority (including terms for meeting the costs of such assistance) or, failing such agreement, on such terms as may be determined by the Secretary of State and the Scottish Ministers (acting jointly).

(3) A constable providing assistance in pursuance of this article—

- (a) is under the direction and control of the chief constable of the British Transport Police Force;
- (b) has all the functions conferred on a constable of that Force; and
- (c) has all the powers and privileges of a constable serving with that Force.

(4) The chief constable of the British Transport Police Force, and the British Transport Police Authority, are liable in respect of unlawful conduct of a constable providing assistance in pursuance of this article to the same extent as they are liable for the unlawful conduct of a constable of the British Transport Police Force.

### **Liability for unlawful conduct of member of Ministry of Defence Police**

7. Section 24 of the 2012 Act applies in relation to a member of the Ministry of Defence Police providing assistance to the Police Service of Scotland in pursuance of section 2A of the 1987 Act<sup>(22)</sup> as it applies to a constable engaged on service with the Police Service of Scotland.

### **Collaboration agreements**

8.—(1) If it appears to the chief constables of two or more relevant police forces that any of those forces' functions can be discharged more effectively by constables of those forces acting jointly, they may, with the approval of the relevant police authorities for those forces, make an agreement for that purpose.

(2) If it appears to two or more relevant police authorities that any premises, equipment or other material or facilities can with advantage be provided jointly for the relevant police forces they maintain, they may make an agreement for that purpose.

(3) Any expenditure incurred under an agreement made under paragraph (1) or (2) is to be borne by the relevant police authorities in such proportions as they may agree.

(4) Failing an agreement made under paragraph (3), the expenditure incurred under an agreement made under paragraph (1) or (2) is to be borne by the relevant police authorities in such proportions as may be determined by—

- (a) where the relevant police authorities include the Scottish Police Authority, the Scottish Ministers and the Secretary of State (acting jointly);
- (b) in any other case, the Secretary of State.

(5) The Secretary of State may direct—

- (a) the chief constable of the British Transport Police Force or the British Transport Police Authority;
- (b) the chief constable of the Civil Nuclear Constabulary or the Civil Nuclear Police Authority; or
- (c) the chief constable of the Ministry of Defence Police,

to seek to enter into an agreement under this article for such purposes, and on such terms, as may be specified in the direction.

(6) In this article—

“relevant police authority” means—

- (a) in relation to the Police Service of Scotland, the Scottish Police Authority;
- (b) in relation to the British Transport Police Force, the British Transport Police Authority;

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<sup>(22)</sup> Section 2A was inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 99. There are amendments to section 2A not relevant to this Order.

- (c) in relation to the Civil Nuclear Constabulary, the Civil Nuclear Police Authority;
  - (d) in relation to the Ministry of Defence Police, the Secretary of State;
- “relevant police force” means—
- (e) the Police Service of Scotland;
  - (f) the British Transport Police Force;
  - (g) the Civil Nuclear Constabulary;
  - (h) the Ministry of Defence Police.

### 1 Causing disaffection

- 9.—(1) It is an offence—
- (a) to cause disaffection amongst the members of a relevant police force; or
  - (b) to induce a member of a relevant police force to withhold services.
- (2) A person who is guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.
- (3) A person convicted of an offence under paragraph (1) is disqualified from being and from ever becoming a member of a relevant police force.
- (4) A “member of a relevant police force” means—
- (a) a constable of the Police Service of Scotland;
  - (b) a member of the British Transport Police Force;
  - (c) a member of the Civil Nuclear Constabulary.

### Offences: extension for other police forces

- 10.—(1) Sections 90 and 91 of the 2012 Act apply in relation to the following persons as they apply in relation to a person acting as a constable of the Police Service of Scotland—
- (a) a member of the Civil Nuclear Constabulary who—
    - (i) is exercising any of the powers and privileges conferred on that member by section 56 of the Energy Act 2004<sup>(23)</sup>; or
    - (ii) is otherwise performing duties under the direction and control of the chief constable of the Civil Nuclear Constabulary or as an employee of the Civil Nuclear Police Authority;
  - (b) a member of the Ministry of Defence Police who—
    - (i) is exercising any of the powers and privileges conferred on that member by section 2 of the 1987 Act<sup>(24)</sup>;
    - (ii) is otherwise performing duties under the direction and control of the chief constable of the Ministry of Defence Police; or

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<sup>(23)</sup> 2004 c.20.

<sup>(24)</sup> Section 2 has been modified by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 98 and Schedule 8, Part 6, the Railways and Transport Safety Act 2003 (c.20), Schedule 5, paragraph 4, the Energy Act 2004 (c.20), Schedule 14, paragraph 5 and Schedule 23, the Serious Crime Act 2007 (c.27), section 63 and Schedule 6, paragraph 14 and the Bribery Act 2010 (c.23), Schedule 1, paragraph 1.

- (iii) is exercising any of the powers and privileges conferred on that member by section 2A(2)(b) of the 1987 Act.
- (2) Section 92 of the 2012 Act has effect in relation to the Civil Nuclear Constabulary as if—
  - (a) references in that section to a constable included references to a member of that Constabulary;
  - (b) references in that section to police uniform included references to the uniform of that Constabulary; and
  - (c) references in that section to acting without the permission of the Scottish Police Authority were omitted.

## **2 Grants for safeguarding national security**

**11.**—(1) The Secretary of State or the Scottish Ministers may make grants to the Scottish Police Authority in connection with safeguarding national security.

(2) Grants may be made subject to conditions.

(3) The Secretary of State may exercise powers under this article only with the consent of the Treasury.

## **Independent custody visiting**

**12.**—(1) The Scottish Police Authority must ensure that a copy of any report submitted in pursuance of section 94(2)(c) of the 2012 Act in relation to a visit of a person detained under section 41 of the Terrorism Act 2000<sup>(25)</sup> is given to the person appointed under section 36(1) of the Terrorism Act 2006<sup>(26)</sup>.

(2) Arrangements made by the Scottish Police Authority under section 94(1) of the 2012 Act may—

- (a) authorise independent custody visitors to listen to the audio recordings and view the video recordings (with or without sound) of any interview with a person detained under section 41 of the Terrorism Act 2000 which has been conducted by a constable while the person has been detained;
- (b) provide that access to the whole or part of an audio or video recording of such an interview is to be denied to independent custody visitors if—
  - (i) it appears to a constable of the rank of inspector (or above) that there are grounds for denying access at the time it is requested;
  - (ii) those grounds are grounds which are specified for the purposes of head (i) in the arrangements; and
  - (iii) any other procedural requirements imposed by the arrangements in relation to denial of access to such recordings are met.

(3) Grounds are not to be specified for the purposes of paragraph (2)(b)(i) unless they are grounds for the time being set out for the purposes of this article in the guidance issued by the Secretary of State under paragraph (4).

(4) The Secretary of State may issue guidance about independent custody visiting in relation to persons detained under section 41 of the Terrorism Act 2000, and the Scottish Police Authority and members of its staff, the Police Service of Scotland and police staff and independent custody visitors must have regard to any such guidance.

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<sup>(25)</sup> 2000 c.11.

<sup>(26)</sup> 2006 c.11. Section 36 was amended by the Coroners and Justice Act 2009 (c.25), section 117.

- (5) Before issuing guidance, the Secretary of State must consult—
- (a) the Scottish Police Authority;
  - (b) the chief constable of the Police Service of Scotland;
  - (c) independent custody visitors or such persons as appear to the Secretary of State to be representative of independent custody visitors;
  - (d) the Scottish Ministers; and
  - (e) such other persons as the Secretary of State considers appropriate.
- (6) The Secretary of State must lay a copy of the guidance issued before Parliament.
- (7) Arrangements made by the Scottish Police Authority under section 95(1) of the 2012 Act may allow access to a detainee to be refused where—
- (a) there are urgent and compelling grounds of national defence in the place to be visited that temporarily prevent the carrying out of such a visit; and
  - (b) the Scottish Ministers have notified the Authority that such grounds exist and that access should accordingly be refused.
- (8) For the purposes of paragraph (7) above and section 95(4)(b) of the 2012 Act, the Scottish Ministers must not invoke a declared state of emergency as the sole reason to notify the Authority that access is to be refused.

### **Provision of goods and services**

**13.** The functions conferred by subsections (1), (3) and (5) of section 87 of the 2012 Act are exercisable in or as regards places outwith Scotland.

### **2Pensions: special constables and police cadets**

- 14.—**(1) Regulations under section 48 of the 2012 Act may make provision relating to the payment of pensions and other benefits to or in respect of—
- (a) special constables appointed under section 9 of the 2012 Act; or
  - (b) police cadets appointed under section 25 of the 2012 Act.
- (2) Before making regulations relating to the payment of pensions and other benefits, the Scottish Ministers must consult the Police Negotiating Board for the United Kingdom.
- (3) For the purposes of paragraph (1), regulations under section 48 of the 2012 Act may—
- (a) apply, subject to such modifications as may be prescribed by the regulations, any provisions made by or under any enactment relating to the pensions and other benefits payable to or in respect of constables;
  - (b) be framed so as to have effect as from a date earlier than the making of the regulations.
- (4) Section 54(2) of the 2012 Act does not apply in respect of provision made in relation to this article.

## **PART 3**

### **FIRE AND RESCUE SERVICES**

#### **Provision of cross-border assistance by SFRS**

**15.—**(1) SFRS and a 2004 Act authority may enter into arrangements for the provision by SFRS of assistance in England or Wales to a 2004 Act authority in the carrying out of a 2004 Act function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the provision by SFRS of assistance in Northern Ireland to the Board in the carrying out of a board function.

### **Cross-border delegation of functions to SFRS**

**16.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the carrying out to any extent by SFRS in England and Wales of a 2004 Act function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the carrying out to any extent by SFRS in Northern Ireland of a board function.

### **Powers of SFRS employee in England and Wales**

**17.**—(1) This article applies where by virtue of article 15(1) or 16(1) SFRS is carrying out a 2004 Act function in England or Wales.

(2) Section 44 of the 2004 Act (powers of fire-fighters etc. in an emergency etc.)(**27**) applies in relation to an employee of SFRS who is authorised for the purposes of section 25 of the 2005 Act (powers of authorised employees in relation to emergencies)(**28**) as if the employee were authorised for the purposes of section 44 of the 2004 Act.

(3) Sections 45 and 46 of the 2004 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires) apply in relation to an employee of SFRS who is authorised for the purposes of section 27 or 29 of the 2005 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires respectively)(**29**) as if the employee were an authorised officer (as defined in section 45(2) of the 2004 Act).

### **Powers of SFRS employee in Northern Ireland**

**18.**—(1) This article applies where by virtue of article 15(2) or 16(2) SFRS is carrying out a board function in Northern Ireland.

(2) Article 18 of the 2006 Order (powers of fire and rescue officers in emergency etc.) applies in relation to an employee of SFRS who is authorised for the purposes of section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) as if the employee were a fire and rescue officer.

(3) Articles 19, 20 and 22 of the 2006 Order (which make provision in relation to the powers of authorised officers in relation to obtaining information, securing premises and offences) apply in relation to an employee of SFRS who is authorised for the purposes of section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) as if the employee were an authorised officer (as defined in Article 19(2) of the 2006 Order) subject to the modification in paragraph (4).

(4) The modification is that Article 20(3) of the 2006 Order applies as if the reference to authorisation under Article 19(2) were a reference to authorisation under section 27 of the 2005 Act.

(5) Articles 20 to 22 of the 2006 Order (which make provision in relation to the powers of authorised officers in relation to investigating fires, securing premises and offences) apply in relation to an employee of SFRS who is authorised for the purposes of section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) as if the employee were an authorised officer (as defined in Article 19(2) of the 2006 Order) subject to the modification in paragraph (6).

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(27) Section 44 was amended by the Emergency Workers (Obstruction) Act 2006 (c. 39), section 6.

(28) Section 25 is amended by the 2012 Act, schedule 7, paragraph 68(10).

(29) Sections 27 and 29 are amended by the 2012 Act, schedule 7, paragraph 68(11) and (12) respectively.

(6) The modification is that Article 20(3) of the 2006 Order applies as if the reference to authorisation under Article 19(2) were a reference to authorisation under section 29 of the 2005 Act.

#### **Provision of cross-border assistance to SFRS**

**19.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the provision by the 2004 Act authority of assistance in Scotland to SFRS in the carrying out of an SFRS function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the provision by the board of assistance in Scotland to SFRS in the carrying out of an SFRS function.

#### **Cross-border delegation of functions by SFRS**

**20.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the carrying out to any extent by a 2004 Act authority in Scotland of an SFRS function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the carrying out to any extent by the board in Scotland of an SFRS function.

#### **Powers of 2004 Act authority employee in Scotland**

**21.**—(1) This article applies where by virtue of article 19(1) or 20(1) an employee of a 2004 Act authority is carrying out an SFRS function in Scotland.

(2) Section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of section 44 of the 2004 Act (powers of fire-fighters etc. in an emergency etc.) as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 25(1) of the 2005 Act).

(3) Section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of sections 45 and 46 of the 2004 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires) as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 27(1) of the 2005 Act).

(4) Section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of sections 45 and 46 of the 2004 Act as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 29(1) of the 2005 Act).

#### **Powers of Northern Ireland Board employee in Scotland**

**22.**—(1) This article applies where by virtue of article 19(2) or 20(2) the Northern Ireland Board is carrying out an SFRS function in Scotland.

(2) Section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) applies in relation to a fire and rescue officer who is entitled to exercise the powers in Article 18 of the 2006 Order (powers of fire and rescue officers in an emergency etc.) as if the fire and rescue officer were an authorised employee (within the meaning of section 25(1) of the 2005 Act).

(3) Section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) applies in relation to a fire and rescue officer who is an authorised officer (as defined in Article 19(2) of the 2006 Order) as if the fire and rescue officer were an authorised employee (within the meaning of section 27(1) of the 2005 Act).

(4) Section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) applies in relation to a fire and rescue officer who is an authorised officer (as defined in Article 19(2)

of the 2006 Order) as if the fire and rescue officer were an authorised employee (within the meaning of section 29(1) of the 2005 Act).

#### **Arrangements under articles 15, 16, 19 and 20: terms**

**23.** Arrangements under articles 15, 16, 19 and 20 may include provision as to the terms (including terms as to payment) on which any function to which the arrangements relate is to be carried out.

#### **Offences**

**24.—**(1) Sections 1, 3 and 4 of the Emergency Workers (Scotland) Act 2005 (assaulting or impeding providers of emergency services, persons assisting providers and supplementary provisions)<sup>(30)</sup> apply in relation to the following persons as they apply in relation to a person acting in a capacity mentioned in section 1(3)(b) of that Act—

- (a) a person acting in the capacity of an employee of a 2004 Act authority providing assistance under arrangements made by virtue of article 19(1) or 20(1);
- (b) a person acting in the capacity of a fire and rescue officer providing assistance under arrangements made by virtue of article 19(2) or 20(2).

(2) A person guilty of an offence by virtue of paragraph (1) is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both.

## **PART 4**

### **CONSEQUENTIAL AND TRANSITIONAL PROVISION**

#### **Extension of modifications of enactments made by 2012 Act**

**25.** The modifications specified in Schedule 1 have effect.

#### **Modifications of enactments**

**26.** The modifications specified in Schedule 2 have effect.

#### **Transitional and savings provision**

**27.** Schedule 3 (transitional and savings provisions) has effect.

Dover House,  
London  
12th March 2013

*David Mundell*  
Parliamentary Under Secretary of State  
Scotland Office

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<sup>(30)</sup> 2005 asp 2. Section 1 of that Act was amended by the Fire (Scotland) Act 2005 (asp 5), section 38(2) and Emergency Workers (Scotland) Act 2005 (Modification) Order 2008 (S.S.I. 2008/37), article 2.

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## SCHEDULE 1

Article 25

## EXTENSION OF MODIFICATIONS OF ENACTMENTS MADE BY 2012 ACT

*Pensions (Increase) Act 1971*

1. In paragraph 44 of Schedule 2 to the Pensions (Increase) Act 1971(31) (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”.

*Health and Safety at Work etc. Act 1974*

2. In section 51A of the Health and Safety at Work etc. Act 1974 (application of Part to police)(32)—

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

“(a) section 24 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);” and

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

*Road Traffic Regulation Act 1984*

3. In section 87(1) of the Road Traffic Regulation Act 1984 (exemption of fire brigade, ambulance and police vehicles from speed limits)(33), for “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” substitute “the Scottish Fire and Rescue Service”.

*Criminal Justice and Public Order Act 1994*

4.—(1) The Criminal Justice and Public Order Act 1994(34) is amended as follows.

(2) In section 102(5) (arrangements for the provision of prisoner escorts)(35), 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)(36)—

(a) in subsection (3), after ‘area’ insert “or, in Scotland, the local commander designated for the local authority’s area”; and

(b) in subsection (4)—

(i) omit the definition of “chief officer of police”; and

(ii) 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);”.

(31) 1971 c.56. Paragraph 44 was amended by the Fire and Rescue Services Act 2004 (c.21), Schedule 1, paragraph 35(3), S.I. 2005/2060, Schedule 1, paragraph 1 and the 2012 Act, schedule 7, paragraph 48.

(32) 1974 c.37. Section 51A was inserted by the Police (Health and Safety) Act 1997 (c.42), section 1 and was relevantly amended by the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 54 and Schedule 15, paragraph 1 and the 2012 Act, schedule 7, paragraph 2(a) and (b).

(33) 1984 c.27. Section 87(1) was amended by the Fire (Scotland) Act 2005 (asp 5), Schedule 3, paragraph 12 and the 2012 Act, schedule 7, paragraph 54.

(34) 1994 c.33.

(35) Section 102(5) was amended by the Criminal Justice (Scotland) Act 2003 (asp 7), section 76(10) and the 2012 Act, schedule 7, paragraph 9(2).

(36) Section 163 was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 130 and the 2012 Act, schedule 7, paragraph 9(3).

### *Police Act 1996*

5.—(1) The Police Act 1996(37) is amended as follows.

(2) In section 59(2) (police federations)(38), 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)(39)—

- (a) in paragraph (c), for “police authorities” substitute “the Scottish Police Authority”;
- (b) in paragraph (d), for “police authorities” substitute “the Scottish Police Authority”; and
- (c) in paragraph (e), for “26 of the Police (Scotland) Act 1967” substitute “48 of the Police and Fire Reform (Scotland) Act 2012”.

(4) Omit section 61(6).

(5) In section 62(1A)(a) (functions of the Board with respect to regulations)(40), for “26 or 27 of the Police (Scotland) Act 1967” substitute “48 of the Police and Fire Reform (Scotland) Act 2012”.

(6) In section 62(3) (functions of the Board with respect to regulations)(41), omit “, section 27 of the Police (Scotland) Act 1967”.

(7) In section 63 (Police Advisory Boards for England and Wales and for Scotland)—

- (a) in subsection (1)—
  - (i) omit “and a Police Advisory Board for Scotland”; and
  - (ii) omit “in those countries respectively”; and
- (b) in subsection (2)(42), for “each of the Police Advisory Boards” substitute “the Police Advisory Board for England and Wales”.

(8) Omit section 64(4E) and (4F)(43).

(9) In section 99(1) (jurisdiction of metropolitan police officers)(44), for “a police force maintained under the Police (Scotland) Act 1967” substitute “the Police Service of Scotland”.

### *Police Act 1997*

6.—(1) The Police Act 1997(45) is amended as follows.

(2) In section 93 (authorisations to deal with property etc.)—

- (a) in subsection (3)(46)—
  - (i) after paragraph (za)(47) insert—

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(37) 1996 c.16.

(38) Section 59(2) was amended by Schedule 8, paragraph 11(2)(a) of that Act and the 2012 Act, Schedule 7, paragraph 13(2).

(39) Section 60(2) was amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 37 and the 2012 Act, Schedule 7, paragraph 13(3).

(40) Section 62(1A) was inserted by the Police Act 1997 (c.50), Schedule 9, paragraph 82 and amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 5(4) and the 2012 Act, schedule 7, paragraph 13(4).

(41) Section 62(3) was amended by the Police (Northern Ireland) Act 1998 (c.32), section 34(2).

(42) Section 63(2) was amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 39.

(43) Section 64(4E) and (4F) were inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), Schedule 1, Part 1, paragraph 3(2).

(44) Section 99(1) was amended by the 2012 Act, schedule 7, Part 1, paragraph 13(5).

(45) 1997 c.50.

(46) Section 93(3) is amended by the 2012 Act, schedule 7, paragraph 14(2)(a). There are other amendments to section 93(3) not relevant to this Order.

(47) Section 93(3)(za) was inserted by the Policing and Crime Act 2009 (c.26), section 6(2). New paragraph (zb) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(a)(i).

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- “(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;”;
- (ii) in paragraph (a)(48), for “(5)(d) to” substitute “(5)(e),”;
- (iii) after paragraph (e)(49) insert—
- “(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)(50) 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)(51)—
- (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)(52), 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)(53), for “, (c) or (d)” substitute “or (c)”;
- (b) in subsection (2)(54), 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.)(55), in subsection (6), for “or (e),” substitute “, (d), (e)”.
- (5) In section 105(3) (appeals)(56), for “, (c) or (d)” substitute “or (c)”.
- (6) In section 107(4) (supplementary provisions relating to Commissioners)—

(48) Section 93(3)(a) was amended by the Policing and Crime Act 2009 (c.26), section 6(3), the Regulation of Investigatory Powers Act 2000 (c.23), Schedule 4, paragraph 8(2)(a) and the 2012 Act, schedule 7, paragraph 14(2)(a)(ii).

(49) Section 93(3)(e) was inserted by the Enterprise Act 2002 (c.40), section 200(2)(c). New paragraph (ea) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(a)(iii).

(50) Section 93(3A) was inserted by the Policing and Crime Act 2009 (c.26), section 6(4). New section 93(3ZA) is inserted by the 2012 Act, schedule 7, paragraph 14(2)(b).

(51) Section 93(5) is amended by the 2012 Act, schedule 7, paragraph 14(2)(c). There are other amendments to section 93(5) not relevant to this Order.

(52) Section 93(6)(b) was amended by the Policing and Crime Act 2009 (c.26), section 6(5)(c) and the 2012 Act, schedule 7, paragraph 14(2)(d).

(53) Section 94(1)(b) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 98(2)(c), and Schedule 17, paragraph 1 and by the 2012 Act, schedule 7, paragraph 14(3)(a).

(54) Section 94(2)(g) was inserted by the Enterprise Act 2002 (c.40), section 200(3) and new paragraph (ga) was inserted by the 2012 Act, schedule 7, paragraph 14(3)(b). There are other amendments to section 94(2) not relevant to this Order.

(55) Section 95(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 99(2) and the 2012 Act, schedule 7, paragraph 14(4)(a).

(56) Section 105(3) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 101 and the 2012 Act, schedule 7, paragraph 14(5).

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- (a) in paragraph (a)(57), for “police authority” substitute “the Scottish Police Authority”;
  - (b) after paragraph (b)(58) 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 126 (interpretation of Part 5)—
- (a) in the definition of “chief officer”(59), for sub-paragraph (ii) substitute—
    - “(ii) the chief constable of the Police Service of Scotland, and”;
  - (b) in the definition of “police authority”(60), for sub-paragraph (i) substitute—
    - “(i) the Scottish Police Authority, and”.

#### *Fire and Rescue Services Act 2004*

- 7.—(1) The Fire and Rescue Services Act 2004(61) is amended as follows.
- (2) For subsection (10) of section 34 (pensions etc.)(62) 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(63) (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)).”.

#### *Gambling Act 2005*

8. In section 157 of the Gambling Act 2005 (responsible authorities in relation to premises)(64), for paragraph (f) substitute—

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(57) Section 107(4) was amended by the [Scotland Act 1998 \(Cross-Border Public Authorities\) \(Adaptation of Functions etc.\) Order 1999/1747 \(S.I. 1999/1747\)](#), Schedule 6, paragraph 2(5)(c), the [Regulation of Investigatory Powers Act 2000 \(c.23\)](#), Schedule 4, paragraph 8(10)(b), the [Serious Organised Crime and Police Act 2005 \(c.15\)](#), Schedule 4, paragraph 102, the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), schedule 6, paragraph 6(5), the [Serious Crime Act 2007 \(c.27\)](#), Schedule 12, paragraph 3, the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#), Schedule 16, paragraph 222 and the 2012 Act, schedule 7, paragraph 14(6)(a).

(58) New paragraph (bza) is inserted by the 2012 Act, schedule 7, paragraph 14(6)(b).

(59) In section 126(1) the definition of “chief officer” was amended by the [Police \(Northern Ireland\) Act 2000 \(c.32\)](#), Schedule 6, paragraph 20(2)(b) and the 2012 Act, schedule 7, paragraph 14(8)(a).

(60) In section 126(1) the definition of “police authority” was amended by the [Police \(Northern Ireland\) Act 2000 \(c.32\)](#), Schedule 6, paragraph 20(3), the [Police Reform and Social Responsibility Act 2011 \(c.13\)](#), Schedule 16(3), paragraph 224 and the 2012 Act, schedule 7, paragraph 14(8)(b).

(61) [2004 c.21](#).

(62) Section 34(10) was amended by the [Fire \(Scotland\) Act 2005 \(asp 5\)](#), schedule 3, paragraph 24 and the 2012 Act, schedule 14, paragraph 66(z).

(63) Section 35(6) is amended by the 2012 Act, schedule 7, paragraph 66(3).

(64) [2005 c.19](#). Section 157(f) was amended by the [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), schedule 1, paragraph 16(2) and the 2012 Act, schedule 7, paragraph 69.

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“(f) the Scottish Fire and Rescue Service.”.

*Corporate Manslaughter and Corporate Homicide Act 2007*

9. In section 6(2) of the Corporate Manslaughter and Corporate Homicide Act 2007 (duty of care for certain organisations in emergencies)(65), for paragraph (b) substitute—

“(b) the Scottish Fire and Rescue Service;”.

SCHEDULE 2

Article 26

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

*Light Railways Act 1896*

1. In section 26(5) of the Light Railways Act 1896 (application to Scotland)(66), omit “or police commissioners,”.

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951*

2. In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments under Part 5 of the Act may be made, and paying authorities)(67)—

(a) after the entry numbered 4 insert—

“4A. Employee of the Scottish Police Authority	The Scottish Police Authority.”
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(b) after the entry numbered 5 insert—

“5A. Employee of the Scottish Fire and Rescue Service	The Scottish Fire and Rescue Service.”
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*Superannuation (Miscellaneous Provisions) Act 1967*

3. In section 13 of the Superannuation (Miscellaneous Provisions) Act 1967 (pensions of police cadets)(68), omit subsection (3).

*Police (Scotland) Act 1967*

4. In the Police (Scotland) Act 1967 omit—

(65) 2007 c.19. Section 6(2) is amended by the 2012 Act, schedule 7, paragraph 71.

(66) 1896 c.48. Section 26(5) was amended by the Local Government (Scotland) Act 1947 (c.43), Schedule 14. There are other amendments to the section not relevant to this Order.

(67) 1951 c.65. There are other amendments to Schedule 2 not relevant to this Order.

(68) 1967 c.28. Section 13(3) was amended by the Police (Scotland) Act 1967 (c.77), Schedule 4 and by the Police Act 1996 (c.16), Schedule 7, paragraph 13.

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- (a) section 26(2)(k) (special constables' pensions)(69);
- (b) section 27 (regulations for police cadets) insofar as not already repealed(70);
- (c) section 32A (grants for expenditure on safeguarding national security)(71); and
- (d) section 42 (causing disaffection)(72).

#### *Firearms Act 1968*

- 5.—(1) The Firearms Act 1968 is modified as follows.
- (2) In section 42B(2) (permitted electronic means)(73), for paragraph (c) substitute—  
“(c) the chief constable of the Police Service of Scotland, and”.
  - (3) In section 54(3) (application of Parts I and II to Crown Servants)(74), omit paragraph (d).
  - (4) In section 57(4) (interpretation), in paragraph (b) of the definition of “civilian officer”(75), for “person” to second “police” substitute “member of police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012”.
  - (5) In paragraph 5 of Schedule 1 (offences to which section 17(2) applies)(76), for “section 41” to “duty” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police)”.
  - (6) In paragraph 18 of Schedule 2 (offences to which sections 17(2) and 18 apply in Scotland), for “section” to “1967” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012.”.

#### *Employers' Liability (Compulsory Insurance) Act 1969*

6. In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance)(77), after “Metropolis” insert “, the Scottish Police Authority and the Scottish Fire and Rescue Service”.

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- (69) 1967 c.77. Section 26(2) was amended by the Police and Magistrates' Courts Act 1994 (c.29), section 52(2) and Schedule 9, paragraph 1 and the Police Act 1996 (c.16), Schedule 7, paragraph 14(2).
  - (70) Section 27 was amended by the Police Act 1969 (c.63), section 4(8) and the Police Act 1997 (c.50), Schedule 9, paragraph 9.
  - (71) Section 32A was inserted by the Police and Magistrates' Courts Act 1994 (c.29), section 56 and was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 71(14) and by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers) Order 1999 (S.I. 1999/1750), Schedule 5, paragraph 2(2). Functions under section 32A were transferred to the Scottish Ministers by article 3 of S.I. 1999/1750 and were exercisable concurrently with the Secretary of State.
  - (72) Section 42 was modified by the Police and Magistrates' Courts Act 1994 (c.29), Schedule 9, Part 1, paragraph 1, the Anti-terrorism, Crime and Security Act 2001 (c.24), Schedule 7, paragraph 5(3), the Railways and Transport Safety Act 2003 (c.20), Schedule 5, paragraph 4 and the Energy Act 2004 (c.20), section 68(4).
  - (73) 1968 c.27. Section 42B was inserted by article 2 of the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713).
  - (74) Section 54(3) was substituted by the Police and Magistrates' Courts Act 1994 (c.29), section 42 and subsequently amended by the Police Act 1997 (c.50), Schedule 9, paragraph 18, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 18, the Policing and Crime Act 2009 (c.26), section 110 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 90. There are other amendments to section 54 not relevant to this Order.
  - (75) The definition of “civilian officer” was added by the Firearms (Amendment) Act 1997 (c.5), section 43(2) and amended by the Greater London Authority Act 1999 (c.29), Schedule 34, Part VII and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 91 and modified by S.I. 2011/3019, Schedule 2, paragraph 22. There are other amendments to section 57 not relevant to this Order.
  - (76) Paragraph 5 of Schedule 1 was amended by the Police Act 1996 (c.16), Schedule 7, paragraph 16.
  - (77) 1969 c.57. Section 3(2)(b) was amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 92. There are other amendments to that paragraph not relevant to this Order.

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*Pensions (Increase) Act 1971*

7.—(1) Schedule 2 to the Pensions (Increase) Act 1971<sup>(78)</sup> (official pensions) is modified as follows.

(2) In paragraph 15—

(a) in sub-paragraph (b)—

(i) after “1996” insert “had effect”;

(ii) for “section 38A of the Police (Scotland) Act 1967 had effect” substitute “being temporary service outwith the Police Service of Scotland pursuant to section 15 of the Police and Fire Reform (Scotland) Act 2012”;

(b) in sub-paragraph (ba), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “was engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;

(c) in sub-paragraph (c), for “the Police (Scotland) Act 1967” substitute “Chapter 11 of Part 1 of the Police and Fire Reform (Scotland) Act 2012”;

(d) in sub-paragraph (d), omit paragraph (ii); and

(e) after sub-paragraph (d) insert—

“; or

(e) was a constable of the Police Service of Scotland—

(i) serving as a staff officer of the inspectors of constabulary in accordance with arrangements made under section 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012; or

(ii) engaged on service under the Crown, with the consent of the chief constable of the Police Service of Scotland, in connection with research or other services connected with the police provided by the Scottish Ministers.”.

(3) In paragraph 43, for sub-paragraph (c) substitute—

“(c) section 48 of the Police and Fire Reform (Scotland) Act 2012, as extended by article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.”.

*Superannuation Act 1972*

8.—(1) The Superannuation Act 1972 is modified as follows.

(2) In section 15(5) (members of police forces, special constables and police cadets)<sup>(79)</sup>—

(a) after sub-paragraph (b) insert—

“or

(ba) regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012, as extended by article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (special constables and police cadets),” and

<sup>(78)</sup> 1971 c.56. Schedule 2 was amended by the Police Pensions Act 1976 (c.35), Schedule 2, paragraph 8, the Police and Magistrates’ Courts Act 1994 Act (c.29), Schedule 5, paragraph 17, the Police Act 1996 (c.16), Schedule 7, paragraph 18 and the International Development Act 2002 (c.1), Schedule 3, paragraph 4. There are other amendments to this Schedule not relevant to this Order.

<sup>(79)</sup> 1972 c.11. Section 15 has been amended by the Police Pensions Act 1976 (c.35), Schedule 3 and the Police Act 1996 (c.16), Schedule 7, paragraph 19.

(b) omit sub-paragraphs (c) and (d).

(3) In Schedule 1 (kinds of employment), for the entry “Employment by the Police Complaints Commissioner for Scotland”(80) substitute “Employment by the Police Investigations and Review Commissioner”.

#### *Overseas Pensions Act 1973*

9. In section 2 of the Overseas Pensions Act 1973 (superannuation schemes as respects certain overseas service by constables)(81)—

(a) in subsection (2)(d) , for sub-paragraph (ii), substitute—

“(ii) a constable of the Police Service of Scotland engaged on temporary service of any of the kinds listed in subsection (2A), or”; and

(b) after that subsection, insert—

“(2A) The reference to temporary service in subsection (2)(d)(ii) is to any of the following kinds of temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—

- (a) service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom;
- (b) service the expenses of which are payable under section 1(1) of the Police (Overseas Service) Act 1945(82) with the consent of the chief constable of the Police Service of Scotland;
- (c) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980(83) with the consent of the chief constable of the Police Service of Scotland; or
- (d) service pursuant to appointment made in connection with the provision by the Secretary of State of assistance under the International Development Act 2002(84)

#### *House of Commons Disqualification Act 1975*

10.—(1) The House of Commons Disqualification Act 1975 is modified as follows.

(2) In section 1(3) (disqualification of holders of certain offices and places), in the definition of “police authority”(85), for “or the Police (Scotland) Act 1967” substitute “, the Scottish Police Authority”.

(3) In Part 3 of Schedule 1 (offices disqualifying for membership), omit “Director General or Deputy Director General of the Scottish Crime and Drug Enforcement Agency.”(86).

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(80) This entry was added by the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2008 (S.I. 2008/1891), article 2. There are other amendments to Schedule 1 not relevant to this Order.

(81) 1973 c.21. Section 2(2)(d)(ii) was amended by the International Development Act 2002 (c.1), Schedule 3, paragraph 5. There are other amendments to this section not relevant to this Order.

(82) 1945 c.17.

(83) 1980 c.63. Section 10 is repealed subject to savings by the International Development Act 2002 (c.1), Schedule 5, paragraph 3.

(84) 2002 c.1.

(85) 1975 c.24. The definition of “police authority” was amended by the Police Act 1996 (c.16), Schedule 7, paragraph 24 and the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 3. There are other amendments to section 1 not relevant to this Order.

(86) This entry was added by the House of Commons Disqualification Order 2010 (S.I. 2010/762), Schedule, paragraph 10. There are other amendments to Schedule 1 not relevant to this Order.

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*Northern Ireland Assembly Disqualification Act 1975*

11. In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975, in the definition of “police authority”(87), for “or the Police (Scotland) Act 1967” substitute “, the Scottish Police Authority”.

*Police Pensions Act 1976*

12.—(1) The Police Pensions Act 1976 is modified as follows.

(2) Section 7(2) (payment of pensions and contributions) is modified as follows—

- (a) in paragraph (ba), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
- (b) in paragraph (bb)(88), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;
- (c) for paragraph (cg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(89), substitute—
  - “(cfa) a constable of the Police Service of Scotland engaged on any of the following kinds of temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
    - (i) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
    - (ii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
    - (iii) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002(90);
    - (iv) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002(91);
    - (v) service as a member of staff of SOCA; or
    - (vi) service in the Police Service of Northern Ireland;
  - (cfb) a person (other than a constable of the Police Service of Scotland) who—
    - (i) is serving as member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012; and
    - (ii) immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above”; and
- (d) omit paragraphs (ch), (ci), (cj) and (ck), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(92).

(87) 1975 c.25. The definition of “police authority” has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 25 and the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 4. There are other amendments to section 1 not relevant to this Order.

(88) 1976 c.35. Paragraphs (ba) and (bb) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 19 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 29.

(89) S.I. 2007/1098.

(90) 2002 c.29.

(91) 2002 c.30.

(92) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(2).

(3) In section 11 (interpretation)—

(a) in subsection (1)—

- (i) in paragraph (aa), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
- (ii) in paragraph (ab)(93), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;
- (iii) for paragraph (bg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(94), substitute—

“(bfa) any of the following kinds of temporary service by a constable of the Police Service of Scotland in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—

- (i) service as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012;
  - (ii) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
  - (iii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
  - (iv) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002;
  - (v) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002;
  - (vi) service as a member of staff of SOCA; or
  - (vii) service in the Police Service of Northern Ireland;
- (bfb) service by a person (other than a constable of the Police Service of Scotland) as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 who, immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above;”;
- (iv) omit sub-paragraphs (bh), (bi), (bj) and (bk), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007; and
  - (v) in sub-paragraph (c), omit the words from “or (as the case may be) section 38A of the Police (Scotland) Act 1967”;

(b) in subsection (2)(95)—

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(93) Paragraphs (aa) and (ab) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30.

(94) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(3)(a).

(95) Subsection (2) was inserted by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 132 and modified by S.I. 2011/3019, Schedule 2, paragraph 41.

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- (i) in the definition of “police pension authority”, for paragraph (d) substitute—  
“(d) the Scottish Police Authority;”; and
- (ii) in the definition of “pension supervising authority”, for paragraph (b) substitute—  
“(b) the Scottish Police Authority.”;
- (c) in subsection (2A)(96)—
  - (i) in paragraph (b), after “(b),” insert “(bfa)(vii),”;
  - (ii) in paragraph (ba), for “section 38A(1)(aa) of the Police (Scotland) Act 1967 (c.77)” substitute “mentioned in subsection (1)(bfa)(v) above”;
  - (iii) in paragraph (c), for “section 38A(1)(bc) of the Police (Scotland) Act 1967” substitute “mentioned in subsection (1)(bfa)(vi)”;
  - (iv) omit paragraph (g);
  - (v) after paragraph (i)(97) insert—  
“; and  
(j) in relation to any service such as is mentioned in subsection (1)(bfa)(ii), (iii) or (iv), “police pension authority” and “pension supervising authority” means the Scottish Ministers.”;
- (d) in subsection (3)(98)—
  - (i) for “Police (Scotland) Act 1967” substitute “Police Service of Scotland”;
  - (ii) in paragraph (b) for “(bg), (bh), (bi), (bj), (bk),” substitute “(bfa), (bfb)”;
- (e) in subsection (5)(99), in the definition of “central service”, omit paragraph (b) and the words “(as the case may require)” which immediately follow that paragraph.

#### *Bail Act 1976*

**13.** In section 8(6) of the Bail Act 1976 (bail with sureties)(100), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

#### *Criminal Law Act 1977*

**14.** In section 38A(2) of the Criminal Law Act 1977 (execution in different parts of the United Kingdom of warrants for imprisonment for non-payment of fine)(101), for “appointed for a police area” substitute “of the Police Service of Scotland”.

#### *Interpretation Act 1978*

**15.—(1)** The Interpretation Act 1978 is modified as follows.

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- (96) Subsection (2) was renumbered to subsection (2A) and amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 2, paragraph 41.
  - (97) Paragraph (i) was inserted into section 11(2A) of the Police Pensions Act 1976 (c.35) by S.I. 2012/2954, article 2(3)(c).
  - (98) Subsection (3) has been amended by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20(4)(a) and (b), the Police Act 1996 (c.16), Schedule 7, paragraph 30(2)(c), the Criminal Justice and Police Act 2001 (c.16), section 126(4), the Police and Justice Act 2006 (c.48), Schedule 15, paragraphs 1 and 59 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 2, S.I. 2010/899, article 2(3)(c)(i) and (ii).
  - (99) Subsection (5) has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30(5), the Police Act 1997 (c.50), Schedule 9, paragraph 33, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 31 and the Police and Justice Act 2006 (c.48), Schedule 15, paragraph 1.
  - (100) 1976 c.63.
  - (101) 1977 c.45. Section 38A was inserted by Criminal Justice (Scotland) Act 1980 (c. 62), section 51. There are amendments to section 38A not relevant to this Order.

- (2) In Schedule 1 (words and expressions defined)—
  - (a) in the entry that begins “Police area,” omit paragraph (b); and
  - (b) omit the entry for “Police authority”.
- (3) In Schedule 1(**102**), at the end insert the following heading and entry—

*“Construction of certain expressions relating to the police: Scotland*

In relation to Scotland—

- (a) references to a police force include references to the Police Service of Scotland;
  - (b) references to a chief officer of police include references to the chief constable of the Police Service of Scotland;
  - (c) “police authority” means the Scottish Police Authority;
  - (d) the “police area” of the Police Service of Scotland is Scotland and references to a police force or police authority for any area include references to the Police Service of Scotland or, as the case may be, the Scottish Police Authority;
  - (e) references to a constable or chief constable of, or appointed for, any area are to be construed as references to a constable or, as the case may be, the chief constable of, or appointed for, the Police Service of Scotland.”.
- (4) In paragraph 6 of Schedule 2 (application to existing enactments)(**103**), for the entry that begins “Police area” substitute—
- “in relation to Scotland, expressions relating to the police;”.

*Finance Act 1981*

**16.** In section 107(3)(k) of the Finance Act 1981 (sale of houses at discount by local authorities etc.)(**104**), for “or a police authority” to “1967” substitute “the Scottish Police Authority”.

*Civil Aviation Act 1982*

**17.** In section 57(4) of the Civil Aviation Act 1982 (power to appoint special constables)(**105**), for “section 16 of the Police (Scotland) Act 1967” substitute “section 10 of the Police and Fire Reform (Scotland) Act 2012”.

*Aviation Security Act 1982*

- 18.—**(1) The Aviation Security Act 1982 is modified as follows.
- (2) In section 24AT(7)(**106**) (interpretation)—
    - (a) in paragraph (a), for “police force for that area” substitute “Police Service of Scotland”; and

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(**102**) 1978 c.30. Schedule 1 has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 32 and by the Police Reform and Social Responsibility Act 2011 (c.13), section 97. There are other amendments to Schedule 1 not relevant to this Order.

(**103**) There are amendments to paragraph 6 of Schedule 2 not relevant to this Order.

(**104**) 1981 c.35. Section 107(3)(k) has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 33, the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 7 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 145. There are other amendments to section 107 not relevant to this Order.

(**105**) 1982 c.16.

(**106**) 1982 c.36. Section 24AT was inserted by the Policing and Crime Act 2009 (c.26), section 79 and has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 148.

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- (b) in paragraph (b), omit from “, where” to “(c.77),” and for second “that” to second “board” substitute “the Scottish Police Authority”.
- (3) In section 31(2) (interpretation and application of Part III to Scotland and Northern Ireland)(**107**)—
  - (a) in paragraph (a), for “police force for that area, and” substitute “Police Service of Scotland,”; and
  - (b) in paragraph (b), omit “, where” to “(c.77),” and for second “that” to second “board” substitute “the Scottish Police Authority”; and
  - (c) at the end of paragraph (b), insert—
    - “, and
    - (c) references in any provision to the police force for a police area are to be construed as references to the Police Service of Scotland.”.

*Police and Criminal Evidence Act 1984*

- 19.** In section 63A(1B) of the Police and Criminal Evidence Act 1984 (fingerprints and samples: supplementary provisions)(**108**), for paragraph (d) substitute—
- “(d) the Police Service of Scotland;”.

*Ministry of Defence Police Act 1987*

**20.**—(1) The Ministry of Defence Police Act 1987 is modified as follows.

(2) In section 1(2)(b) (the Ministry of Defence Police)(**109**) for first “person” to the end substitute “constable of the Police Service of Scotland by section 10 of the Police and Fire Reform (Scotland) Act 2012 before a sheriff or justice of the peace”.

- (3) In section 2 (jurisdiction)—
  - (a) in subsection (3A)(**110**), after paragraph (a) insert—
    - “(aa) the Police Service of Scotland;”;
  - (b) in subsection (3B)(**111**), after paragraph (a) insert—
    - “(aa) if it was made under paragraph (aa) of that subsection, only in Scotland;”;
  - (c) in subsection (3C), after second “area,” insert “in Scotland the same powers and privileges as constables of the Police Service of Scotland.”.
- (4) In section 2A(4) (provision of assistance to other forces)(**112**)—
  - (a) in the definition of “chief officer”, after paragraph (a) insert—
    - “(aa) the chief constable of the Police Service of Scotland;”;
  - (b) in the definition of “relevant force”, after paragraph (a) insert—

(**107**) Section 31(2) was substituted by the Policing and Crime Act 2009 (c.26), Schedule 6, paragraph 14(7). There are other amendments to section 31 not relevant to this Order.

(**108**) 1984 c.60. Section 63A was inserted by the Criminal Justice and Public Order Act 1994 (c.33), section 56. Subsection (1B) was inserted by the Criminal Justice and Police Act 2001 (c.16), section 81 and amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 4, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 100 and Schedule 17. There are other amendments to section 63A not relevant to this Order.

(**109**) 1987 c.4. There are amendments to this section not relevant to this Order.

(**110**) Subsection (3A), (3B) and (3C) were inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 98. There are amendments to subsection (3A) not relevant to this Order.

(**111**) There are amendments to subsection (3B) not relevant to this Order.

(**112**) Section 2A was inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 99. Section 2A(4) has been amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 5 and Schedule 23.

“(aa) the Police Service of Scotland;”.

(5) In section 2B(3) (constables serving with other forces)(**113**)—

(a) in the definition of “chief officer”—

(i) in paragraph (a), for “Great Britain” substitute “England and Wales”; and

(ii) after that paragraph insert—

“(aa) the chief constable of the Police Service of Scotland;”;

(b) in the definition of “relevant force”—

(i) in paragraph (a), for “Great Britain” substitute “England and Wales”; and

(ii) after that paragraph insert—

“(aa) the Police Service of Scotland;”.

(6) In section 4A(1)(b) (appeals against dismissal etc)(**114**) for “Police (Scotland) Act 1967 (c.77)” substitute “Police and Fire Reform (Scotland) Act 2012”.

(7) In section 4B(6) (functions of inspectors of constabulary)(**115**), in the definition of “the Scottish inspectors”, for “33 of the Police (Scotland) Act 1967 (c.77)” substitute “71 of the Police and Fire Reform (Scotland) Act 2012”.

#### *Firearms (Amendment) Act 1988*

**21.** In section 18B(2) of the Firearms (Amendment) Act 1988 (permitted electronic means)(**116**), for paragraph (c) substitute—

“(c) the chief constable of the Police Service of Scotland, and”.

#### *Road Traffic Act 1988*

**22.**—(1) The Road Traffic Act 1988 is modified as follows.

(2) In section 67(4)(f)(**117**) (testing of condition of vehicles on roads), omit “for a police area”.

(3) In section 144(2) (exceptions from requirement of third-party insurance or security)(**118**), in paragraph (a)(ii) after the second “Scotland” insert “or the Scottish Fire and Rescue Service”.

#### *Road Traffic Offenders Act 1988*

**23.** In section 89(1) of the Road Traffic Offenders Act 1988 (interpretation), in the definition of “chief constable”(**119**) for “for” to “issued” substitute “of the Police Service of Scotland”.

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(**113**) Section 2B was inserted by the Police Reform Act 2002 (c.30), section 78. Section 2B(3) has been amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 5 and Schedule 23 and the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 49.

(**114**) Section 4A was inserted by the Police Reform Act 2002 (c.30), section 79(2) and substituted by the Criminal Justice and Immigration Act 2008 (c.4), Schedule 22, paragraph 16.

(**115**) Section 4B was inserted by the Police Reform Act 2002 (c.30), section 80.

(**116**) 1988 c.45. Section 18B was inserted by the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), article 3(4).

(**117**) 1988 c.52. Section 67(4)(f) has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 194.

(**118**) Section 144(2)(a)(ii) has been amended by the Local Government etc. (Scotland) Act 1994 (c.39) Schedule 13, paragraph 159(8). There are other amendments to section 144(2) not relevant to this Order.

(**119**) 1988 c.53. The definition of “chief constable” was inserted by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 107. There are other amendments to section 89 not relevant to this Order.

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### Road Traffic Act 1991

**24.** In paragraphs 1(6)(**120**) and 2(6) of Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London)(**121**), for paragraph (a) substitute—

“(a) the chief constable of the Police Service of Scotland; and”.

### Police Act 1996

**25.**—(1) The Police Act 1996 is modified as follows.

(2) In section 63 (Police Advisory Boards for England and Wales and for Scotland)(**122**) for the section title substitute “Police Advisory Board for England and Wales”.

(3) In section 89(3) (assaults on constables) for “a police force maintained in Scotland” substitute “the Police Service of Scotland”.

(4) In section 97(1) (police officers engaged on service outside their force)(**123**) omit paragraphs (ch) and (ci), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**124**).

(5) In section 98 (cross-border aid of one police force by another)(**125**)—

- (a) in subsection (1), for “the chief officer of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (b) in subsection (2), for “The chief officer of a police force in Scotland” substitute “The chief constable of the Police Service of Scotland”;
- (c) in subsection (3), for “the chief officer of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (d) in subsection (4), for “the chief officer of any police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (e) in subsection (5)(a)—
  - (i) for “a police force in Scotland” substitute “the Police Service of Scotland”;
  - (ii) for “its chief officer” substitute “the chief constable of that Service”;
  - (iii) omit “or the chief constable of the Police Service of Northern Ireland respectively”;
- (f) in subsection (6B), for “a police authority in Scotland” substitute “the Scottish Police Authority”; and
- (g) in subsection (7), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

(120) 1991 c.40. Paragraph 1 is relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 171 and S.I. 1998/2018, article 2.

(121) Paragraph 2 is relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 171, S.I. 1998/2018, S.I. 1999/61, article 2(2) and S.I. 2003/508, article 2. Paragraphs 1 and 2 of Schedule 3 to the Road Traffic Act 1991 are repealed as respects England and Wales by the Traffic Management Act 2004 (c.18), Schedule 12, paragraph 1.

(122) 1996 c.16. Section 63 has been amended by the 2012 Act, section 97. There are other amendments to section 63 not relevant to this Order.

(123) Section 97(1) has also been amended by the Police Act 1997 (c.50), Schedule 9, paragraph 86, the Police (Northern Ireland) Act 1998 (c.32), Schedule 4, paragraph 20, the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 12, the Criminal Justice and Police Act 2001 (c.16), Schedule 4, paragraph 7, the International Development Act 2002 (c.1), Schedule 3, paragraph 11 and Schedule 4, the Police Reform Act 2002 (c.30), Schedule 7, paragraph 19, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 82 and Schedule 17, the Safeguarding Vulnerable Groups Act 2006 (c.47), Schedule 9, paragraph 13, the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 72 and Schedule 15, the Serious Crime Act 2007, Schedule 8 and Schedule 14. There are other amendments to section 97 not relevant to this Order.

(124) S.I. 2007/1098, Schedule 1, Part 1, paragraph 3(3)(a).

(125) Section 98 has been amended by the Police Act 1997 (c.50), Schedule 9, paragraph 87, Schedule 10, the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 12, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 83 and Schedule 17 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 45.

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*Firearms (Amendment) Act 1997*

**26.** In section 35A(2) of the Firearms (Amendment) Act 1997 (permitted electronic means)(**126**) for paragraph (c) substitute—

“(c) the chief constable of the Police Service of Scotland, and”.

*The Police (Health and Safety) Act 1997*

**27.** In section 5(3) of the Police (Health and Safety) Act 1997 (payment of damages, compensation and fines out of certain funds)(**127**)—

(a) in the definition of “the relevant authority”, for paragraph (b) substitute—

“(b) in relation to the chief constable of the Police Service of Scotland, the Scottish Police Authority, and”;

(b) in the definition of “the relevant fund”—

(i) in paragraph (a), after first “police”, insert “in England and Wales”;

(ii) after that paragraph, insert—

“(aa) in relation to the chief constable of the Police Service of Scotland, money provided by the Scottish Police Authority, and”; and

(c) in the definition of “the responsible officer”—

(i) in paragraph (a), after “police area”, insert “in England and Wales”; and

(ii) after that paragraph insert—

“(aa) in relation to the Police Service of Scotland (including police cadets appointed under section 25 of the Police and Fire Reform (Scotland) Act 2012), the chief constable of that Service, and”.

*Data Protection Act 1998*

**28.** In section 56(6) of the Data Protection Act 1998 (prohibition of requirement as to production of certain records)(**128**), in the first entry in the first column of the Table, for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland.”.

*Police (Northern Ireland) Act 1998*

**29.**—(1) The Police (Northern Ireland) Act 1998 is modified as follows.

(2) In section 73(4) (interpretation)(**129**), for “Police (Scotland) Act 1967” substitute “Police Service of Scotland (and references to the chief officer of a police force in Great Britain include the chief constable of that Service)”.

(3) In paragraph 8(9) of Schedule 3, for “any” to the end substitute “the reference to “police authority” is to the Scottish Police Authority”.

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(**126**) 1997 c.5. Section 35A was inserted by the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), article 4.

(**127**) 1997 c.42. Section 5(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 93 and Schedule 17 and by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 225.

(**128**) 1998 c.29. There are amendments to section 56(6) not relevant to this Order.

(**129**) 1998 c.32. Section 73 was substituted by the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 23.

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*Crime and Disorder Act 1998*

**30.** In section 115(2) of the Crime and Disorder Act 1998 (disclosure of information)(**130**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

*Immigration and Asylum Act 1999*

**31.** In section 20(4) of the Immigration and Asylum Act 1999 (supply of information to Secretary of State)(**131**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

*Terrorism Act 2000*

**32.**—(1) The Terrorism Act 2000(**132**) is modified as follows.

(2) In section 48 (authorisations)—

(a) in subsection (3)(a) for “outside Northern Ireland” substitute “in England and Wales”; and

(b) after subsection (3)(c) insert—

“(ca) where the road specified is in Scotland, by a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;”.

(3) In paragraph 23(6)(a) of Schedule 4 (restraint orders) for “out of the police fund out of which the expenses of that police force are met” substitute “by the Scottish Police Authority”.

(4) In paragraph 14(1) of Schedule 6B (searches in specified areas or places: supplementary)(**133**) in the definition of “senior police officer”—

(a) in paragraph (a) for “outside Northern Ireland” substitute “in England and Wales”; and

(b) after paragraph (c) insert—

“(ca) in relation to an authorisation where the specified area or place is the whole or part of Scotland, a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;”.

*Regulation of Investigatory Powers Act 2000*

**33.**—(1) The 2000 Act(**134**) is modified as follows.

(2) In section 6(2)(**135**) (application for issue of an interception warrant)—

(a) omit paragraph (da)(**136**); and

(b) in paragraph (g), for the words from “any” to the end, substitute “the Police Service of Scotland”.

(3) In section 17(3) (exclusion of matters from legal proceedings)(**137**), omit paragraph (ca).

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(**130**) 1998 c.37. There are amendments to section 115(2) not relevant to this Order.

(**131**) 1999 c.33.

(**132**) 2000 c.11.

(**133**) Schedule 6B was inserted by the Protection of Freedoms Act 2012 (c.9), Schedule 5, paragraph 1.

(**134**) 2000 c.23.

(**135**) Section 6(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 132(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 6 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(**136**) Paragraph (da) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(**137**) Section 17(3) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 133(1), the Policing and Crime Act 2009 (c.26), section 100(2) and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(3).

- (4) In section 19(2) (offence for unauthorised disclosures)(**138**), omit paragraph (ca).
- (5) In section 22 (obtaining and disclosing communications data)(**139**)—
  - (a) omit subsections (3E) to (3H);
  - (b) in subsection (3I), for “Subsections (3B) and (3F) are” substitute “Subsection (3B) is”; and
  - (c) in subsection (5), for “, (3B) or (3F)” substitute “or (3B)”.
- (6) In section 23 (form and duration of authorisations and notices)(**140**)—
  - (a) in subsection (1), for “, (3B) or (3F)” substitute “or (3B)”;
  - (b) in subsection (2A), for “, (3B) or (3F)” substitute “or (3B)”;
  - (c) in subsection (3), for “subsections (3A) and (3D)” substitute “subsection (3A)”;
  - (d) omit subsections (3D) to (3F); and
  - (e) in each of subsections (4), (5) and (6), for “, (3B) or (3F)” substitute “or (3B)”.
- (7) In section 23A (authorisations requiring judicial approval)(**141**) in subsections (1)(a) and (3), for “, (3B) or (3F)”, in both places, substitute “or (3B)”.
- (8) In section 25(1) (interpretation of Chapter II)(**142**), in the definition of “relevant public authority”, omit paragraph (ca).
- (9) In section 29 (authorisation of covert human intelligence sources)(**143**)—
  - (a) in subsection (2)(c), omit sub-paragraph (ii);
  - (b) in subsection (2A), omit paragraph (b) and the word “and” which precedes it;
  - (c) omit subsections (4B) and (7B); and
  - (d) in subsection (10), omit paragraph (b) and the word “and” which precedes it.
- (10) In section 32(6)(d) (authorisation of intrusive surveillance), for the words from “every” to the end, substitute “the Police Service of Scotland”;
- (11) In section 33 (rules for grant of authorisations)(**144**)—
  - (a) in subsection (1), for “subsections (1ZB) and (1ZE)” substitute “subsection (1ZB)”;
  - (b) omit subsections (1ZD) to (1ZF) and (1B);
  - (c) in subsection (3), for “subsections (3ZB) and (3ZE)” substitute “subsection (3ZB)”;
  - (d) omit subsections (3ZD) to (3ZF);
  - (e) in subsection (5)(a), omit “or a member of the Scottish Crime and Drug Enforcement Agency”;
  - (f) omit subsection (5B); and
  - (g) in subsection (6)—
    - (i) in paragraph (a)—

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(138) Section 19(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 134(1); and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(4).

(139) Section 22 was amended by the Policing and Crime Act 2009 (c.26), section 7(2) and Schedule 7, paragraph 13 and the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 7.

(140) Section 23 was amended by the Policing and Crime Act 2009 (c.26), section 7 and Schedule 7, paragraph 14.

(141) Section 23(2A) was inserted by the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 8.

(142) Section 25(1) is relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 135(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 8 and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(5).

(143) Section 29 was amended by the Policing and Crime Act 2009 (c.26), section 8.

(144) Section 33 was amended by the Enterprise Act 2002 (c.40), section 199; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 137 and Schedule 17, paragraph 1; the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 171(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 11, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(6) and the Policing and Crime Act 2009 (c.26), section 9.

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- (aa) after second “force” insert “or”;
- (bb) omit from first “or” to “1967”; and
- (ii) after paragraph (a) insert—
  - “(aa) the area of operation of the Police Service of Scotland is Scotland;”.
- (12) In section 34 (grant of authorisations in the senior officer’s absence)(**145**)—
  - (a) in subsection (4)(d), for the words from second “a” to the end, substitute “the Police Service of Scotland if he holds the rank of deputy or assistant chief constable of the Police Service of Scotland”; and
  - (b) in subsection (6)(aa), for the words from “for” to the end of that paragraph substitute “of the Police Service of Scotland, means the deputy chief constable designated under section 18(3) of the Police and Fire Reform (Scotland) Act 2012;”.
- (13) In section 36(7)(a) (approval required for authorisations to take effect), for sub-paragraph (iii) substitute—
  - “(iii) the chief constable of the Police Service of Scotland;”.
- (14) In section 45(6) (cancellation of authorisations)(**146**)—
  - (a) in paragraph (a), for sub-paragraph (iii) substitute—
    - “(iii) the chief constable of the Police Service of Scotland;”;
  - (b) after paragraph (b) insert “and”; and
  - (c) omit paragraph (ca) and the word “and” which precedes it.
- (15) In section 49(1) (notices requiring disclosure)(**147**)—
  - (a) in paragraph (c), for “, (3B) or (3F)” substitute “or (3B)”; and
  - (b) in paragraph (e), omit “, SCDEA” (in both places).
- (16) In section 51 (cases in which key required)(**148**)—
  - (a) in subsection (2)—
    - (i) omit first “SCDEA;”;
    - (ii) omit paragraph (ab);
  - (b) in subsection (3), omit “the Director General of the Scottish Crime and Drug Enforcement Agency;”;
  - (c) in subsection (6), omit “by the Director General of the Scottish Crime and Drug Enforcement Agency;”.
- (17) In section 54(3) (tipping-off)(**149**), omit “SCDEA,” in paragraphs (a) and (b).
- (18) In section 55 (general duties of specified authorities)(**150**)—

**(145)** Section 34 is amended by the Enterprise Act 2002 (c.40), section 1990; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 138 and Schedule 17, paragraph 1, the Police and Justice Act 2006 (c.48), Schedule 14, paragraph 39, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 172 and the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 12.

**(146)** Section 45(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(7).

**(147)** Section 49(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 145, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 19, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(8) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 15.

**(148)** Section 51 was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 146, the Serious Crime Act 2006 (c.27), Schedule 12, paragraph 20 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(9).

**(149)** Section 54(3) is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 147, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 21 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(10).

**(150)** Section 55 is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 148, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 22 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(11).

- (a) in subsection (1), omit paragraph (bb); and
  - (b) omit subsection (3B).
- (19) In section 56(1) (interpretation of Part III)(**151**)—
- (a) in the definition of “chief officer of police”—
    - (i) in paragraph (a), omit “or section 1 of the Police (Scotland) Act 1967”; and
    - (ii) after paragraph (c) insert—
      - “(ca) the chief constable of the Police Service of Scotland;”;
  - (b) in the definition of “the police”, in paragraph (a), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”; and
  - (c) omit the definition of “SCDEA”.
- (20) In section 58(1) (co-operation with and reports by s.57 Commissioner)(**152**)—
- (a) omit paragraph (ba); and
  - (b) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (21) In section 65(6) (the Tribunal)(**153**)—
- (a) after paragraph (c) insert—
    - “(ca) the Police Investigations and Review Commissioner;”;
  - (b) omit paragraph (da).
- (22) In section 68(7) (Tribunal procedure)(**154**)—
- (a) omit paragraph (ba);
  - (b) after paragraph (d) insert—
    - “(da) the Police Investigations and Review Commissioner and every member of the Commissioner’s staff;”;
  - (c) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (23) In section 76A(11) (foreign surveillance operations)(**155**), in the definition of “United Kingdom officer”, omit paragraph (c).
- (24) In section 81(1) (general interpretation)(**156**), in the definition of “police force”, for paragraph (d) substitute—
  - “(d) the Police Service of Scotland;”.
- (25) In Schedule 1 (relevant public authorities)(**157**), omit paragraph 2A.
- (26) In Schedule 2 (persons having the appropriate permission)(**158**)—

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(151) Section 56(1) was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 174, the Serious Crime Act 2007 (c.27), Schedule 14, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(12).

(152) Section 58(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 150, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(13) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 16.

(153) Section 65(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 151, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 24 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(14).

(154) Section 68(7) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 152, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(15) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 17.

(155) Section 76A(11) was inserted by the Crime (International Co-operation) Act 2003 (c.32), section 83 and amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 154, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 26 and the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), Schedule 6, paragraph 8.

(156) Section 81(1) was relevantly amended by the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 175(2)(c).

(157) Paragraph 2A was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(18).

(158) Schedule 2 was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 156, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 29(1) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(19).

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- (a) in paragraph 2(3) and (5), omit “, SCDEA”;
- (b) in paragraph 4(2), omit “SCDEA,” (in every place);
- (c) in paragraph 5(3)(b), omit “, SCDEA”; and
- (d) in paragraph 6—
  - (i) omit sub-paragraph (3B); and
  - (ii) in sub-paragraph (6), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”.

*Political Parties, Elections and Referendums Act 2000*

**34.** In paragraph 28(1)(d) of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (disclosure of information)(**159**), for “a police force in Scotland” substitute “the Police Service of Scotland”.

*Criminal Justice and Court Services Act 2000*

**35.** In section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records)—

- (a) in subsection (3), for “constables in police forces in Scotland” substitute “constables of the Police Service of Scotland”; and
- (b) in subsection (4)(**160**), for paragraph (b) substitute—
  - “(b) police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012,”.

*Vehicles Crime Act 2001*

**36.** In section 18(9) of the Vehicles Crime Act 2001 (register of registration plate suppliers)(**161**), for paragraph (b) substitute—

- “(b) police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012, and”.

*Anti-terrorism, Crime and Security Act 2001*

**37.**—(1) The Anti-terrorism, Crime and Security Act 2001(**162**) is modified as follows.

- (2) In section 74(1) (interpretation of Part 7) in the definition of “chief officer of police”—
  - (a) in paragraph (a) for “Great Britain” substitute “England and Wales”; and
  - (b) after that paragraph insert—
    - “(aa) in relation to any premises in Scotland, the chief constable of the Police Service of Scotland; and”.
- (3) In section 100 (jurisdiction of transport police) after subsection (3) insert—

**(159)**2000 c.41. Schedule 19C was inserted by the Political Parties and Elections Act 2009 (c.12), Schedule 2. There are modifications to the Schedule not relevant to this Order.

**(160)**2000 c.43. Subsection (4) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), section 123 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 248. There are other amendments to section 71 not relevant to this Order.

**(161)**2001 c.3. Subsection (9) was inserted by the Serious Organised Crime and Police Act 2005 (c.15), section 123(2) and has been amended by the Police Reform Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 275.

**(162)**2001 c.24.

“(3A) In the application of this section to Scotland—

- (a) references to a “police area” are references to Scotland; and
- (b) references to the “police force” for a police area are references to the Police Service of Scotland.”.

(4) In paragraph 10(7)(b) of Schedule 1 (forfeiture of terrorist cash) for “a police force” to the end substitute “the Police Service of Scotland, it is to be paid by the Scottish Police Authority.”.

#### *Justice (Northern Ireland) Act 2002*

**38.** In section 5A(5) of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Commission)(**163**), for paragraph (b) substitute—

- “(b) the chief constable of the Police Service of Scotland;”.

#### *Police Reform Act 2002*

**39.**—(1) The Police Reform Act 2002(**164**) is modified as follows.

(2) In section 82 (Nationality requirements applicable to police officers etc.)(**165**)—

(a) in subsection (1)—

- (i) in paragraph (a) omit “or Scotland”; and
- (ii) after that paragraph insert—

“(aa) a constable of the Police Service of Scotland;”;

(b) at the end of subsection (2)(a), omit “or” and insert—

“(aa) the Police Service of Scotland; or”;

(c) in subsection (3)(b) for “section 26” to the end substitute “section 48 of the Police and Fire Reform (Scotland) Act 2012 (governance and administration of police)”.

(3) Omit section 103(4) and (7) (liability in respect of members of teams).

(4) In paragraph 6(2)(b) of Schedule 2 (Independent Police Complaints Commission) for “any police force maintained for a police area in Scotland” substitute “the Police Service of Scotland”.

#### *Finance Act 2003*

**40.** In paragraph 1(3) of Schedule 9 to the Finance Act 2003 (right to buy transactions)(**166**), for “A police authority within the meaning of section 2(1) or 19(9)(b) of the Police Scotland Act 1967 (c.77)” substitute “The Scottish Police Authority”.

#### *Railways and Transport Safety Act 2003*

**41.**—(1) The Railways and Transport Safety Act 2003(**167**) is modified as follows.

(2) In section 24 (constables), for subsection (4) substitute—

“(4) Section 10 of the Police and Fire Reform (Scotland) Act 2012 (declaration) shall apply to a constable of the Police Force appointed in Scotland.”.

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(163) 2002 c.26. Section 5A was inserted by the Constitutional Reform Act 2005 (c.4), section 123(2).

(164) 2002 c.30.

(165) Section 82 is relevantly amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 11(a) and the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1.

(166) 2003 c.14. There are amendments to paragraph 1(3) not relevant to this Order.

(167) 2003 c.20.

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(3) In section 25 (special constables), for subsection (4) substitute—

“(4) Section 10 of the Police and Fire Reform (Scotland) Act 2012 (declaration) shall apply to a special constable of the Police Force appointed in Scotland.”.

(4) In section 63(8)(a) (inspection) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

(5) In section 64(3) (action after adverse inspection report) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

(6) In section 67 (senior appointment: delegation of function) for “section 33 of the Police (Scotland) Act 1967 (c.77)” substitute “designated under section 71(3) of the Police and Fire Reform (Scotland) Act 2012”.

(7) In paragraph 7(2) of Schedule 4 (disqualification)(168), for paragraph (d) substitute—

“(d) is an employee of the Scottish Police Authority.”.

#### *Crime (International Co-operation) Act 2003*

**42.**—(1) The Crime (International Co-operation) Act 2003(169) is modified as follows.

(2) In section 18(2) (warrants in Scotland) for “section 39(6) of the Police (Scotland) Act 1967” substitute “section 99(1) of the Police and Fire Reform (Scotland) Act 2012”.

(3) In section 51(1) (general interpretation) in the definition of “chief officer of police”, in paragraph (a) for “for the police force maintained for that area” substitute “of the Police Service of Scotland”.

(4) In section 84(2) (assaults on foreign officers)—

(a) for “section 41 of the Police (Scotland) Act 1967 (c.77)” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012”; and

(b) for “so treated” substitute “treated as if he were acting in the capacity of a constable”.

#### *Sexual Offences Act 2003*

**43.** In sections 94(3)(a) (Part 2: supply of information to Secretary of State etc. for verification)(170) and 95(2)(a) (Part 2: supply of information by Secretary of State etc.)(171) of the Sexual Offences Act 2003 for “a chief constable” substitute “the chief constable of the Police Service of Scotland”.

#### *Energy Act 2004*

**44.**—(1) The Energy Act 2004 is modified as follows.

(2) In section 59(3) (members of constabulary serving with other forces)(172)—

(a) in the definition of “chief officer”—

(i) in paragraph (a) for “Great Britain” substitute “England and Wales”; and

(168) Paragraph 7(2) has been amended by the Police Reform and Social Responsibility Act (c.13), Schedule 16, paragraph 328.

(169) 2003 c.32.

(170) 2003 c.42. Section 94(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 194 and by the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 90. There are other amendments to section 94 not relevant to this Order.

(171) Section 95(2) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 195. There are other amendments to section 95 not relevant to this Order.

(172) 2004 c.20. Section 59(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1.

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- (ii) after that paragraph insert—
  - “(aa) the chief constable of the Police Service of Scotland;”;
- (b) in the definition of “relevant force”—
  - (i) in paragraph (a) for “Great Britain” substitute “England and Wales”; and
  - (ii) after that paragraph insert—
    - “(aa) the Police Service of Scotland;”.
- (3) In section 62(11) (inspection) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.
- (4) In sections 64(10)(a) (civil nuclear police federation) and 65(10)(a) (rank-related associations) for “Great Britain” substitute “England and Wales, of the Police Service of Scotland”.
- (5) In section 66(4)(c) (representation at certain disciplinary proceedings), for “a police force” to the end substitute “the Police Service of Scotland”.
- (6) In section 68 (application of offences etc. applying to constables)—
  - (a) in subsection (1), omit “and section 41(1) and (2) of the Police (Scotland) Act 1967”; and
  - (b) omit subsections (4), (5) and (6).

#### *Constitutional Reform Act 2005*

- 45.** In section 107(5) of the Constitutional Reform Act 2005 (disclosure of information to the Commission)(**173**), for paragraph (b) substitute—
  - “(b) the chief constable of the Police Service of Scotland;”.

#### *Commissioner for Revenue and Customs Act 2005*

- 46.** In section 27 of the Commissioner for Revenue and Customs Act 2005 (inspection)(**174**)—
  - (a) in subsection (2)(a)(ii) for “section 33 or 34 of the Police (Scotland) Act 1967 (c.77)” substitute “sections 71 to 73 of the Police and Fire Reform (Scotland) Act 2012”; and
  - (b) in subsection (6)(a) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

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

- 47.** In section 16A(1) of the Fire (Scotland) Act 2005 (exercise of powers at sea)(**175**), for “a relevant authority” substitute “SFRS”.

#### *Serious Organised Crime and Police Act 2005*

- 48.**—(1) The Serious Organised Crime and Police Act 2005 is modified as follows.
- (2) In section 3(5) (functions of SOCA as to information relating to crime)(**176**) omit paragraph (d).

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(173) 2005 c.4.

(174) 2005 c.11.

(175) 2005 asp 5. Section 16A was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), article 2(3).

(176) 2005 c.15. Paragraph (d) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(2).

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- (3) In section 6 (annual plans)(**177**)—
- (a) in subsection (7)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
  - (b) omit subsection (8).
- (4) In section 7 (annual reports)(**178**)—
- (a) in subsection (4)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
  - (b) omit subsection (5).
- (5) In section 16(13) (inspections) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.
- (6) In section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements)(**179**)—
- (a) omit subsections (5) and (7)(b);
  - (b) in subsection (10), for paragraph (a) and (b) substitute—
    - “(a) the Police Service of Scotland, or”; and
  - (c) in subsection (11)—
    - (i) omit the definitions of “police member” and “support staff member”;
    - (ii) in the definition of “relevant policing body”—
      - (aa) for paragraph (a) substitute—
        - “(a) in relation to the Police Service of Scotland, the Scottish Police Authority,”; and
      - (bb) omit paragraph (f).
- (7) In section 24(2)(b) (mutual assistance between SOCA and law enforcement agencies: directed arrangements)(**180**) omit “other than the Scottish Crime and Drug Enforcement Agency”.
- (8) In section 25 (directed arrangements: Scotland)(**181**)—
- (a) in subsection (1)(a)—
    - (i) for “a body within subsection (2)” substitute “the Police Service of Scotland”; and
    - (ii) for “a body within that subsection” substitute “that Service”;
  - (b) in subsection (1)(b) for “the body” substitute “that Service”;
  - (c) omit subsection (2);
  - (d) in subsection (3)—
    - (i) in paragraph (a), for “chief officer of the police force” substitute “chief constable of the Police Service of Scotland”; and
    - (ii) omit paragraph (b);

(177) Section 6 has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 6, paragraph 345. There are other amendments to section 6 not relevant to this Order.

(178) Section 7 has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 346. There are other amendments to section 7 not relevant to this Order.

(179) Section 23 has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(3), S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(3) and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 347. There are other amendments to section 23 not relevant to this Order.

(180) Section 24(2)(b) was amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(4) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(4).

(181) Section 25(2), (3) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(5) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(5) and section 25(5) was inserted by those provisions. There are other amendments to section 25 not relevant to this Order.

- (e) in subsection (4) for the words “a police force in Scotland or to the Scottish Crime and Drug Enforcement Agency” where they occur substitute “the Police Service of Scotland”; and
  - (f) omit subsection (5).
- (9) In section 31(5) (liability of special police forces and law enforcement agencies for unlawful conduct of SOCA staff)(**182**), in the definition of “relevant authority” omit paragraph (d).
- (10) In section 36 (general duty of police to pass information to SOCA)—
- (a) in subsection (1) for “Great Britain” substitute “England and Wales”; and
  - (b) after subsection (2) insert—
    - “(2A) The chief constable of the Police Service of Scotland has a corresponding duty in relation to crime in Scotland.”
- (11) In section 42(1) (interpretation of chapter 1)—
- (a) in the definition of “chief officer”—
    - (i) in paragraph (b) for “a police force in Scotland, the chief constable” substitute “the Police Service of Scotland, the chief constable of that Service”; and
    - (ii) omit paragraph (g)(**183**);
  - (b) omit the definition of “joint police board”; and
  - (c) in the definition of “police force”—
    - (i) in paragraph (a), for “, Wales or Scotland, or” substitute “or Wales,”; and
    - (ii) after that paragraph insert—
      - “(aa) the Police Service of Scotland, or”.
- (12) In section 47 (person having powers of constable: Scotland and Northern Ireland)(**184**)—
- (a) in subsection (3)(a) for “Director General of the Scottish Crime and Drug Enforcement Agency” substitute “chief constable of the Police Service of Scotland”; and
  - (b) in subsection (4) from “either” to the end substitute “a senior officer (within the meaning of section 99(1) of the Police and Fire Reform (Scotland) Act 2012) of the Police Service of Scotland.”
- (13) In section 82(5) (protection of persons involved in investigations or proceedings)—
- (a) for paragraph (b) substitute—
    - “(b) the chief constable of the Police Service of Scotland;”;
  - (b) omit paragraph (f)(**185**).
- (14) In section 156 (payments by Scottish Ministers to police authorities etc. in relation to the prevention, detection and enforcement of certain traffic offences)—
- (a) in the section title for “police authorities etc.” substitute “Scottish Police Authority”; and
  - (b) in subsection (1), for “a police authority or joint police board (within the meaning of the Police (Scotland) Act 1967 (c.77))” substitute “the Scottish Police Authority”.

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(**182**) Paragraph (d) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(6) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(6).

(**183**) Paragraph (g) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(7) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(7).

(**184**) Section 47(3)(a) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(8) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(8). There are other amendments to section 47 not relevant to this Order.

(**185**) Subsection (5)(f) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(9) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(9).

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- (15) In Schedule 5 (persons specified for the purposes of section 82)—
- (a) in paragraph 15, for “(within” to the end substitute “(as defined by section 99(1) of the Police and Fire Reform (Scotland) Act 2012)”; and
  - (b) in paragraph 20A(**186**) omit the words “is or” where they occur.

*Gambling Act 2005*

- 49.**—(1) The Gambling Act 2005(**187**) is modified as follows.
- (2) After section 23(5)(d) (statement of principles for licensing and regulation) insert—
    - “(da) the chief constable of the Police Service of Scotland,”.
  - (3) After section 24(11)(b) (codes of practice) insert—
    - “(ba) the chief constable of the Police Service of Scotland,”.
  - (4) After section 25(5)(a) (guidance to local authorities)—
    - (a) omit “and”; and
    - (b) insert—
      - “(aa) the chief constable of the Police Service of Scotland, and”.

*Immigration, Asylum and Nationality Act 2006*

- 50.**—(1) The Immigration, Asylum and Nationality Act 2006 is modified as follows.
- (2) In section 36(9) (duty to share information)(**188**), in the definition of “chief officer of police”, in paragraph (b), for “a police force maintained under the Police (Scotland) Act 1967 (c.77)” substitute “the Police Service of Scotland”.
  - (3) In section 39(3)(b) (disclosure to law enforcement agencies) for “a police force maintained under the Police (Scotland) Act 1967” substitute “the Police Service of Scotland”.

*Health Act 2006*

- 51.**—(1) The Health Act 2006(**189**) is modified as follows.
- (2) In section 18(9) (co-operation between health bodies and other organisations)—
    - (a) in paragraph (a)(ii) for “a police force in Scotland, the chief constable” substitute “the Police Service of Scotland, the chief constable of that Service”;
    - (b) in paragraph (b)(i) for “, Wales or Scotland, or” substitute “and Wales,”; and
    - (c) after paragraph (b)(i)
      - (i) omit “or”; and
      - (ii) insert—
        - “(ia) the Police Service of Scotland, or”.

**(186)** Paragraph 20A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(11) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(13).

**(187)** 2005 c.19.

**(188)** 2006 c.13. Section 36(9) has been amended by the Police and Justice Act 2006 (c.48), section 14 and Schedule 15 and the Borders, Citizenship and Immigration Act 2009 (c.11), section 21.

**(189)** 2006 c.28.

*Wireless Telegraphy Act 2006*

**52.** After section 107(4) of the Wireless Telegraphy Act 2006 (proceedings and enforcement)(**190**) insert—

“(5) In the application of this section to Scotland, subsection (2) has effect with the substitution—

- (a) for the words “a police force” of the words “the Police Service of Scotland”, and
- (b) for the words “the area for which he acts as constable” of the word “Scotland”.”.

*Safeguarding Vulnerable Groups Act 2006*

**53.** In section 50A(3)(b) of the Safeguarding Vulnerable Groups Act 2006 (provision of information to the police)(**191**), for “a police force in Scotland” substitute “the Police Service of Scotland”.

*Police and Justice Act 2006*

**54.**—(1) The Police and Justice Act 2006 is modified as follows.

(2) Omit section 13(6)(d) (supply of information to police etc by Registrar General).

(3) In Schedule 1 (National Policing Improvement Agency)(**192**)—

(a) for paragraph 3(3)(k) substitute—

“(k) the Police Service of Scotland, including the police cadets under the control of the chief constable of that Service,”;

(b) omit paragraph 3(3)(l);

(c) in paragraph 4—

(i) for sub-paragraph (2)(a) substitute—

“(a) the Police Service of Scotland,”;

(ii) in sub-paragraphs (2)(b) and (2)(c) for “such a force” substitute “that Service”;

(iii) for sub-paragraph (2)(d) and (2)(e) substitute—

“and

(d) the Scottish Police Authority.”;

(iv) in sub-paragraph (3)(a) omit “Services”; and

(v) for sub-paragraph (3)(b) substitute—

“(b) the chief constable of the Police Service of Scotland.”;

(d) in paragraph 6(4)—

(i) for sub-paragraph (a) substitute—

“(a) the Police Service of Scotland,”;

(ii) in sub-paragraphs (b) and (c) for “such a force” substitute “that Service”; and

(iii) for sub-paragraphs (d) and (e) substitute—

“, and

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(**190**)2006 c.36.

(**191**)2006 c.47. Section 50A was inserted by the Policing and Crime Act 2009 (c.26), section 88 and subsection (3) has been amended by the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 65(3) and by S.I. 2010/1154, article 12. There are other amendments to section 50A not relevant to this Order.

(**192**)2006 c.48. There are amendments to Schedule 1 not relevant to this Order.

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- (d) the Scottish Police Authority.”;
- (e) in paragraph 35—
  - (i) for sub-paragraph (b) substitute—
    - “(b) the Scottish Police Authority.”;
  - (ii) omit sub-paragraphs (c) and (d); and
- (f) in paragraph 48—
  - (i) in sub-paragraph (8)(a) for “police forces” substitute “the police service”;
  - (ii) in sub-paragraph (11)(b) omit “Services”;
  - (iii) for sub-paragraphs (11)(c) and (11)(d) substitute—
    - “(c) the chief constable of the Police Service of Scotland.”;
  - (iv) in sub-paragraph (12)(a) omit “Services”;
  - (v) for sub-paragraphs (12)(b) and (12)(c) substitute—
    - “(b) the chief constable of the Service of Scotland.”; and
  - (vi) omit sub-paragraph (13).

*Road Safety Act 2006*

**55.** In section 49A(3)(f) of the Road Safety Act 2006 (disclosure of information relating to foreign-registered vehicles)(**193**) for “a police force maintained under the Police (Scotland) Act 1967” substitute “the Police Service of Scotland”.

*Armed Forces Act 2006*

**56.** In section 375(2) of the Armed Forces Act 2006 (definitions relating to police forces)(**194**), for paragraph (e), substitute—

- “(e) the Police Service of Scotland.”.

*Corporate Manslaughter and Corporate Homicide Act 2007*

**57.**—(1) The Corporate Manslaughter and Corporate Homicide Act 2007(**195**) is modified as follows.

- (2) In section 13(1)(a) (application to police forces)—
  - (a) omit “or” at the end of sub-paragraph (i); and
  - (b) omit sub-paragraph (ii);
  - (c) after subsection (1)(a) insert—
    - “(aa) the Police Service of Scotland.”;
  - (d) in subsection (3)(d) after “(a)” insert “, (aa)”;
  - (e) in subsection (4) for “a force mentioned” to the end substitute “the Police Service of Scotland, as a reference to a constable of that Service.”.

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(193)2006 c.49. Section 49A was inserted by the Local Transport Act 2008 (c.26), section 129.

(194)2006 c.52.

(195)2007 c.19.

*Legal Services Act 2007*

**58.** In section 169(5) of the Legal Services Act 2007 (disclosure of information to the Board)(**196**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

*Regulatory Enforcement and Sanctions Act 2008*

**59.** In section 37(3)(d) of the Regulatory Enforcement and Sanctions Act 2008 (“regulator”)(**197**) for “a police force in Scotland” substitute “the Police Service of Scotland”.

*Counter-Terrorism Act 2008*

**60.**—(1) The Counter-Terrorism Act 2008 is modified as follows.

(2) In section 7(5)(b) (photographing and copying of documents) for “police force for the area in which the search was carried out” substitute “Police Service of Scotland”.

(3) In section 18(5) (material not subject to existing statutory restrictions)(**198**), in the definition of “police force”, for paragraph (d) substitute—

“(d) the Police Service of Scotland;”.

(4) In section 51 (meaning of “local police area”) after subsection (3) insert—

“(4) This section and section 50(2) apply in relation to Scotland as if Scotland were a police area.”.

(5) In section 86 (costs of policing at gas facilities: Scotland)—

(a) in subsection (2)(b)—

(i) for “provided under an agreement under section 13 of the Police (Scotland) Act 1967 (c.77) for the guarding, patrolling and watching” substitute “(within the meaning of section 86(9) of the Police and Fire Reform (Scotland) Act 2012) provided under an arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012 in respect”; and

(ii) for sub-paragraph (ii) substitute—

“(ii) the chief constable of the Police Service of Scotland.”; and

(b) in subsection (4), for “agreement as is” substitute “arrangements as are”.

(6) In section 88 (costs of policing at gas facilities: recovery of costs)—

(a) in subsection (2) for “agreement under section 13 of the Police (Scotland) Act 1967 (c.77)” substitute “arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012”; and

(b) in subsection (3)(b) for “agreement under section 13 of the Police (Scotland) Act 1967” substitute “arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012”.

(7) In Schedule 4 (notification orders)—

(a) in paragraph 5(1) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”;

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(196)2007 c.29.

(197)2008 c.13.

(198)2008 c.28. Section 18(5) has been amended by the Crime and Security Act 2010 (c.17), section 21(6).

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- (b) in paragraph 5(2)(a) for “the area of the chief constable’s police force” substitute “Scotland”; and
  - (c) in paragraph 5(2)(b) for “that area” substitute “Scotland”.
- (8) In Schedule 5 (foreign travel restriction orders)—
- (a) in paragraph 4(1) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”;
  - (b) in paragraph 4(2)(a) for “the area of the chief constable’s police force” substitute “Scotland”;
  - (c) in paragraph 4(2)(b) for “that area” substitute “Scotland”;
  - (d) in paragraph 4(3) omit from “to a sheriff” to the end;
  - (e) in paragraph 9(1)—
    - (i) omit “or” at the end of paragraph (a);
    - (ii) for paragraph (b), substitute—
      - “(b) the chief constable of the Police Service of Scotland.”;
    - (iii) omit paragraphs (c) and (d); and
  - (f) omit paragraph 9(2)(a) and (2)(b)(ii).

*Borders, Citizenship and Immigration Act 2009*

**61.** In section 29 of the Borders, Citizenship and Immigration Act 2009 (inspections by Her Majesty’s inspectors of constabulary etc.)**(199)**—

- (a) in subsection (2)(b) for “section 33 or 34 of the Police (Scotland) Act 1967 (c.77) (inspection)” substitute “Chapter 11 of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (Her Majesty’s inspectors of constabulary)”;
- (b) in subsection (6)(a) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

*Marine and Coastal Access Act 2009*

**62.**—(1) The Marine and Coastal Access Act 2009**(200)** is modified as follows.

(2) In paragraph 13(2)(d) of Schedule 7 (disclosure of information), for “a police force in Scotland” substitute “the Police Service of Scotland”.

(3) In paragraph 9(2)(d) of Schedule 10 (disclosure of information), for the words “a police force in Scotland” substitute “the Police Service of Scotland”.

*Equality Act 2010*

**63.**—(1) The Equality Act 2010**(201)** is modified as follows.

(2) In section 42 (identity of employer)—

- (a) in subsection (4) for “, SPSA or SCDEA” substitute “or SPA”;
- (b) in subsection (5) for “SPSA” substitute “SPA”; and
- (c) omit subsection (6).

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**(199)**2009 c.11.

**(200)**2009 c.23.

**(201)**2010 c.15.

- (3) In section 43 (interpretation)—
- (a) for subsection (6) substitute—
- “(5A) “SPA” means the Scottish Police Authority; and a reference to a constable at SPA is a reference to a constable serving as a member of its staff by virtue of paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012.”;
- (b) omit subsection (7);
- (c) in subsection (8)(c) for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”; and
- (d) for subsection (9) substitute—
- “(9) Subsections (2) and (3) apply in relation to Scotland as follows—
- (a) a reference to a police authority includes a reference to the Scottish Police Authority;
- (b) a reference to a police force includes a reference to the Police Service of Scotland; and
- (c) a reference to a chief officer of police includes a reference to the chief constable of the Police Service of Scotland.”.
- (4) In Part 3 of Schedule 19 (public authorities: relevant Scottish authorities)—
- (a) omit “A joint fire and rescue board constituted by a scheme under section 2(1) of the Fire (Scotland) Act 2005.”;
- (b) for the heading “*Police*” substitute “*Police and Fire*”;
- (c) for “A police authority established under section 2 of the Police (Scotland) Act 1967.” substitute “The Scottish Police Authority.”;
- (d) after the entry substituted by paragraph (4)(c) insert—
- “The chief constable of the Police Service of Scotland.  
The Scottish Fire and Rescue Service.  
The Chief Officer of the Scottish Fire and Rescue Service.”; and
- (e) omit—
- “A Chief Constable of a police force maintained under section 1 of the Police (Scotland) Act 1967.”;
- “A Chief Officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005.”; and
- “The Scottish Police Services Authority.”.

*Terrorism Prevention and Investigation Measures Act 2011*

**64.**—(1) The Terrorism Prevention and Investigation Measures Act 2011(**202**) is modified as follows.

- (2) In section 10(10) (criminal investigations into terrorism-related activity)—
- (a) in the definition of “chief officer”—
- (i) for paragraph (b) substitute—
- “(b) in relation to the Police Service of Scotland, means the chief constable of that Service;”;
- and

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- (ii) omit paragraph (e); and
- (b) in the definition of “police force”—
  - (i) for paragraph (b) substitute—
    - “(b) the Police Service of Scotland;”;
  - (ii) omit paragraph (e).
- (3) In paragraph 14 (interpretation) of Schedule 6—
  - (a) in the definition of “police force”—
    - (i) for paragraph (d) substitute—
      - “(d) the Police Service of Scotland;”;
    - (ii) omit paragraph (e) and the “or” immediately before it; and
  - (b) in the definition of “responsible chief officer of police” in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken, for “police force for the area” to the end substitute “Police Service of Scotland;”.

## PART 2

### MODIFICATION OF ACT OF THE SCOTTISH PARLIAMENT

#### *Police and Fire Reform (Scotland) Act 2012*

**65.** In Part 1 of schedule 7 to the Police and Fire Reform (Scotland) Act 2012(**203**), omit paragraph 1.

## PART 3

### MODIFICATIONS OF SUBORDINATE LEGISLATION

#### *Social Security (Employed Earners’ Employments for Industrial Injuries Purposes) Regulations 1975*

**66.**—(1) The Social Security (Employed Earners’ Employment for Industrial Injuries Purposes Regulations) 1975(**204**) are modified as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners’ employments for industrial injuries purposes)(**205**), for “a fire and rescue authority” to “under that Act” substitute “the Scottish Fire and Rescue Service”.

(3) In Schedule 3 (employments in respect of which persons are treated as employers for industrial injuries purposes), in the entry numbered 4(**206**), in column 1, for first “fire” to “board” substitute “Scottish Fire and Rescue Service”.

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(203) 2012 asp 8.

(204) S.I. 1975/467.

(205) Paragraph 2 of Part 1 of Schedule 1 has, so far as it extends to Scotland, been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 4(2).

(206) This entry, so far as it extends to Scotland, has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 4(3).

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*Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984*

**67.**—(1) In regulation 12(1)(c) of the Town and Country Planning (Control of Advertisements (Scotland) Regulations (election notices, statutory advertisements and traffic signs)(**207**), for “roads or police authority” substitute “roads authority or the Police Service of Scotland”.

*Road Vehicles (Construction and Use) Regulations 1986*

**68.** In paragraph 1(c)(i) of Schedule 12 to the Road Vehicles (Construction and Use) Regulations 1986 (advance notice to Police)(**208**), for “the same meaning as in the Police (Scotland) Act 1967”, substitute “means the chief constable of the Police Service of Scotland”.

*Income Support (General) Regulations 1987*

**69.** In paragraph 7(1)(ab) of Schedule 8 to the Income Support (General) Regulations 1987 (sums to be disregarded in the calculation of earnings)(**209**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*The Police and Criminal Evidence (Northern Ireland) Order 1989*

**70.** In Article 63A(1B) of Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprints and samples: supplementary provisions)(**210**), for sub-paragraph (e) substitute—  
“(e) the Police Service of Scotland;”.

*Official Secrets Act 1989 (Prescription) Order 1990*

**71.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990 is modified as follows.

(2) At the end of Schedule 1 (prescriptions: section 12(1)(f))(**211**), insert—

“Scottish Police Authority	The members and employees of the Authority who are not otherwise Crown servants”
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(3) At the end of Schedule 2 (prescriptions: section 12(1)(g))(**212**), insert—

“Police Investigations and Review Commissioner	The members of the Commissioner’s staff who are not otherwise Crown servants”
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(207) S.I. 1984/467.

(208) S.I. 1986/1078.

(209) S.I. 1987/1967. Paragraph 7(1)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 5. There are other amendments to paragraph 7 not relevant to this Order.

(210) S.I. 1989/1341(N.I. 12)). Article 63A was inserted by the Police (Amendment) (Northern Ireland) Order 1995 (S.I. 1995/2993 (N.I. 17)), Article 12 and has been amended by the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), Article 34.

(211) S.I. 1990/200. There are amendments to Schedule 1 not relevant to this Order.

(212) There are amendments to Schedule 2 not relevant to this Order.

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*Child Support (Maintenance Assessments and Special Cases) Regulations 1992*

72. In paragraph 1(1)(i)(iib) of Part 1 of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (earnings of an employed earner)(213), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Goods Vehicles (Licensing of Operators) Regulations 1995*

73. In paragraph 6 of Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 (classes of vehicles for which a licence is not required)(214), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Jobseeker’s Allowance Regulations 1996*

74.—(1) The Jobseeker’s Allowance Regulations 1996 are modified as follows.

(2) In regulation 4 (interpretation of Parts 2, 4 and 5)(215), in the definition of “part-time member of a fire brigade” for “a fire and rescue authority” to second “Act” substitute “the Scottish Fire and Rescue Service”.

(3) In regulation 53(d)(ib) (persons treated as not engaged in remunerative work)(216), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

(4) In paragraph 9(1)(ab) of Schedule 6 (sums to be disregarded in the calculation of earnings)(217), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Social Security Benefit (Computation of Earnings) Regulations 1996*

75. In paragraph 9(ab) of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996 (sums to be disregarded in the calculation of earnings)(218), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Health and Safety (Enforcing Authority) Regulations 1998*

76. In regulation 4(3)(e) of the Health and Safety (Enforcing Authority) Regulations 1998 (exceptions)(219), for “a relevant” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”.

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(213) S.I. 1992/1815, revoked by S.I. 2001/155 with certain savings (see regulation 15(2) to (6) and S.I. 2000/3186); there are other amending instruments but none are relevant.

(214) S.I. 1995/2869. Paragraph 6 of Schedule 3 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 9. There are other amendments to Schedule 3 not relevant to this Order.

(215) S.I. 1996/207. Regulation 4 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(2). There are other amendments to regulation 4 not relevant to this Order.

(216) Regulation 53(d)(ib) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(3). There are other amendments to regulation 53 not relevant to this Order.

(217) Paragraph 9(1)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(4). There are other amendments to Schedule 6 not relevant to this Order.

(218) S.I. 1996/2745. Paragraph 9(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 11.

(219) S.I. 1998/494. Regulation 4(3)(e) has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 13. There are other amendments to that regulation not relevant to this Order.

*Scotland Act 1998 (Concurrent Functions) Order 1999*

**77.**—(1) Schedule 2 to the Scotland Act 1998 (Concurrent Functions) Order 1999(**220**) is modified as follows.

(2) In paragraph 2(a)(ii), for “relevant” to “(asp 5))” substitute “the Scottish Fire and Rescue Service”.

(3) In paragraph 2(b)(iii), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.

(4) In paragraph 2(b)(iv), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.

*Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999*

**78.**—(1) The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 is modified as follows.

(2) In Schedule 2 (enactments conferring functions exercisable concurrently by the Scottish Ministers and Ministers of the Crown)(**221**) omit the entry relating to section 32A of the Police (Scotland) Act 1967.

(3) In Schedule 4 (non-statutory functions transferred to the Scottish Ministers) for paragraph 1(1)(b) and (c) substitute—

“(b) by the Police Service of Scotland;

(c) by the Scottish Fire and Rescue Service; or”.

*Motor Vehicles (Driving Licences) Regulations 1999*

**79.** In regulation 23(9) of the Motor Vehicles (Driving Licences) Regulations 1999 (persons by whom theory tests may be conducted)(**222**), in the definitions of “chief officer of police”, “police area” and “police authority”, after “have” insert “in relation to England and Wales”.

*Child Support (Maintenance Calculations and Special Cases) Regulations 2001*

**80.** In paragraph 4(2)(g)(iib) of the Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2001 (earnings)(**223**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Representation of the People (Scotland) Regulations 2001*

**81.** In regulation 31J(4)(b) of the Representation of the People (Scotland) Regulations (anonymous registration: evidence by attestation)(**224**) for “any police force in Scotland”, substitute “the Police Service of Scotland”.

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(220) [S.I. 1999/1592](#). Schedule 2 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 ([S.I. 2005/2060](#)), Schedule 1, Part 2, paragraph 14.

(221) [S.I. 1999/1750](#). There are amendments to Schedule 2 not relevant to this Order.

(222) [S.I. 1999/2864](#).

(223) [S.I. 2001/155](#). Paragraph 4(2)(g)(iib) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 ([S.I. 2005/2060](#)), Schedule 1, Part 2, paragraph 15. There are other amendments to the Schedule not relevant to this Order.

(224) [S.I. 2001/497](#). Regulation 31J(4)(b) was inserted by the Representation of the People (Scotland) (Amendment) Regulations 2007 ([S.I. 2007/925](#)), regulation 12 and amended by the Representation of the People (Amendment) Regulations 2009 ([S.I. 2009/725](#)), regulation 14(b). There are other amendments to regulation 31J not relevant to this Order.

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*State Pension Credit Regulations 2002*

**82.** In paragraph 2(2)(ab) of Schedule 6 to the State Pension Credit Regulations 2002 (sums disregarded from claimant’s earnings)(**225**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003*

**83.** In paragraph 1(2)(b) of Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003 (functions under the 2000 Act)(**226**), for sub-head (i) substitute—

“(i) the chief constable of the Police Service of Scotland; or”.

*Revenue and Customs (Inspections) Regulations 2005*

**84.**—(1) In regulation 10(2) of the Revenue and Customs (Inspections) Regulations 2005 (appointment of assistant inspectors and staff officers)(**227**)—

- (a) for “Section 34 of the Police (Scotland) Act 1967 (appointment of assistant inspectors and staff officers)” substitute “Sections 72 and 73 of the Police and Fire Reform (Scotland) Act 2012 (assistant inspectors and staff officers)”;
- (b) in sub-paragraph (a)—
  - (i) for “section 34(1) after “constabulary”” substitute “section 72(1) after “may””; and
  - (ii) omit “and”;
- (c) in sub-paragraph (b) for “section 34(1A)” substitute “section 72(1)(b)”;
- (d) at the end of that sub-paragraph insert—
  - “(c) in section 72(1)(b) for “constables” substitute “officers of Revenue and Customs”;
  - (d) in section 72(2) for “A constable” substitute “An officer of Revenue and Customs”;
  - (e) in section 72(3) for “constable” and “constable’s” substitute “officer of Revenue and Customs” and “officer’s”;
  - (f) in section 73(1) after “may” insert “for the purposes of carrying out functions under the Revenue and Customs (Inspections) Regulations 2005”, and
  - (g) in section 73(1)(b) for “constables” substitute “officers of Revenue and Customs”;
  - (h) in section 73(2) for “A constable” substitute “An officer of Revenue and Customs”, and
  - (i) In section 73(3) for “constable” and “constable’s” substitute “officer of Revenue and Customs” and “officer’s”.”.

(**225**) S.I. 2002/1792. Paragraph 2(2)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 16. There are other amendments to Schedule 6 not relevant to this Order.

(**226**) S.I. 2003/2617.

(**227**) S.I. 2005/1133.

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Housing Benefit Regulations 2006*

**85.** In paragraph 8(1)(b) of Schedule 4 to the Housing Benefits Regulations 2006 (sums to be disregarded in the calculation of earnings)(**228**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006*

**86.** In paragraph 3(2)(b) of Schedule 4 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (sums disregarded from claimant’s earnings)(**229**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*Vehicle Drivers (Certificates of Professional Competence) Regulations 2007*

**87.** In regulation 2(1) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (interpretation)(**230**), in the definition of “fire and rescue authority”—

- (a) in sub-paragraph (a), for “Great Britain” substitute “England and Wales”;
- (b) omit “and” at the end of that sub-paragraph; and
- (c) at the end of sub-paragraph (b) insert—  
“and  
(c) in relation to Scotland, means the Scottish Fire and Rescue Service;”.

*Police, Public Order and Criminal Justice (Scotland) Act 2006  
(Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)*

**88.**—(1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 is modified as follows.

- (2) In article 2 (interpretation)—
  - (a) omit sub-paragraph (b); and
  - (b) in sub-paragraph (c) for “the Police Complaints Commissioner for Scotland” substitute “the Police Investigations and Review Commissioner”(b)(**231**).
- (3) In article 3 (disclosure of information)—
  - (a) in paragraph (1) omit the words “the Agency or” in both places;
  - (b) omit paragraph (5);
  - (c) in paragraph (7) omit “, (5)”;
  - (d) in paragraph (10) omit “20(1) or”; and
  - (e) in paragraph (11)—
    - (i) for “Paragraphs (5) and (6) do”, substitute “Paragraph (6) does”; and
    - (ii) omit “19(4) or”.
- (4) In Part 1 of the Schedule, omit paragraph 4(16).

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(228) S.I. 2006/213.

(229) S.I. 2006/214.

(230) S.I. 2007/605. There are amendments to regulation 2 not relevant to this Order.

(231) The Police Complaints Commissioner for Scotland is renamed the Police Investigations and Review Commissioner by section 61 of the 2012 Act.

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*The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007*

**89.** Omit paragraph 1(2)(b)(i) of Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007 (functions under the 2000 Act)(**232**).

*The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008*

**90.**—(1) The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008 are modified as follows.

(2) In regulation 5(2) (licences), omit sub-paragraph (f).

(3) In regulation 5(3)(d)(**233**), for “a chief constable of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”.

*Employment and Support Allowance Regulations 2008*

**91.** In regulation 43(1)(e)(iii) of the Employment and Support Allowance Regulations 2008 (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work)(**234**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

*The Police Act 1997 (Criminal Records) Regulations 2009*

**92.** In regulation 2 of the Police Act 1997 (Criminal Records) Regulations 2009 (enhanced criminal record certificates: police forces)(**235**), omit sub-paragraphs (c) and (d).

*Road Vehicles (Approval) Regulations 2009*

**93.** In regulation 5(8) of the Road Vehicles (Approval) Regulations 2009 (scope of the regulations)(**236**), in the definition of “fire and rescue authority”—

(a) in sub-paragraph (a), omit head (ii); and

(b) after sub-paragraph (b), insert—

“and

(c) in Scotland means the Scottish Fire and Rescue Service;”.

*The Police Act 1997 (Criminal Records) (Disclosure) (Amendment) Regulations (Northern Ireland) 2009*

**94.** In regulation 2 of the Police Act 1997 (Criminal Records) (Disclosure) (Amendment) Regulations (Northern Ireland) 2009 (enhanced criminal record certificates: police forces)(**237**), omit sub-paragraphs (c) and (d).

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(232) S.I. 2007/2915.

(233) S.I. 2008/295. There are amendments to regulation 5 which are not relevant to this Order.

(234) S.I. 2008/794. There are amendments to regulation 43 not relevant to this Order.

(235) S.I. 2009/460.

(236) S.I. 2009/717.

(237) S.I. 2009/1798.

*The Ministry of Defence Police (Conduct) Regulations 2009*

**95.**—(1) The Ministry of Defence Police (Conduct) Regulations 2009(**238**) are modified as follows.

(2) In regulation 3 (interpretation and delegation)—

(a) in paragraph (1)—

(i) insert in the appropriate place ““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;”;

(ii) in the definition of “HMCIC” for sub-paragraph (b) substitute—

“(b) in relation to Scotland, an inspector of constabulary appointed under section 71 of the 2012 Act (Her Majesty’s inspectors of constabulary in Scotland);”;

(b) in sub-paragraph (2)(c), for head (vi), substitute—

“(vi) the Police Service of Scotland;”.

*The Ministry of Defence Police Appeals Tribunals Regulations 2009*

**96.**—(1) The Ministry of Defence Police Appeals Tribunals Regulations 2009(**239**) are modified as follows.

(2) In regulation 3 (interpretation) insert in the appropriate place ““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;”.

(3) In regulation 5 (appointment and composition of police appeals tribunal)—

(a) in paragraph (2)(b), for head (i) substitute—

“(i) one shall be a person chosen from a panel of persons maintained by the Lord President of the Court of Session for the purposes of schedule 3 to the 2012 Act (police appeals tribunals);”;

(b) in paragraph (2)(b), for head (iii) substitute—

“(iii) one shall be HMCIC or a person who has within the previous five years been an inspector of constabulary for the purposes of section 71 of the 2012 Act (Her Majesty’s inspectors of constabulary in Scotland) or section 33 of the 1967 Act (Inspectors of Constabulary).”;

(c) in paragraph (4)(b)(i) for “list” substitute “panel”;

(d) in paragraph (4)(b), for head (iii) substitute—

“(iii) one shall be a person chosen from the list maintained immediately before the day on which this paragraph comes into force by the Scottish Ministers for the purposes of paragraph 2(1)(c) of Schedule 3 to the 1967 Act of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the force; and”.

*Regulation of Investigatory Powers (Communications Data) Order 2010*

**97.**—(1) The Regulation of Investigatory Powers (Communications Data) Order 2010 is modified as follows.

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**(238)**S.I. 2009/3069. There are amendments not relevant to this Order.

**(239)**S.I. 2009/3070. There are amendments not relevant to this Order.

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(2) In Schedule 1—

- (a) for the entry for a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 substitute—

“The Police Service of Scotland	Superintendent	Inspector	Section 22(2)(a), (b), (c) (d), (e) and (g) Article 2(b)”;
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- (b) omit the entry for the Scottish Crime and Drug Enforcement Agency.

(3) In Part 1 of Schedule 2(240)—

- (a) omit the entry for a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (b) for the entry for a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 or a joint fire and rescue board within the meaning of section 5 of that Act substitute—

“The Scottish Fire and Rescue Service	Fire Control Officer	—	Section 22(2)(g)”;
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- (c) after the entry for the Office of the Police Ombudsman for Northern Ireland insert—

“The Police Investigations and Review Commissioner	Commissioner or Director of Investigations	—	Section 22(2)(b) Article 2(b)”;
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(4) In Part 2 of Schedule 2(241)—

- (a) in the entry for a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, omit the second row (which relates to the Principal Fire Control Officer or Group Manager);
- (b) for the entry for a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 or a joint fire and rescue board within the meaning of section 5 of that Act substitute—

“The Scottish Fire and Rescue Service	Principal Fire Control Officer or Group Manager	—	Section 22(2)(b) and (d)”;
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*Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010*

**98.** Part 1 of Schedule 1 to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(242) is modified as follows—

- (a) for the entry for a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 substitute—

(240) S.I. 2010/480. There is an amendment to Part 1 of Schedule 2 not relevant to this Order.

(241) There are amendments to Part 2 of Schedule 2 not relevant to this Order.

(242) S.I. 2010/521.

“The Police Service of Scotland	Superintendent	Inspector	Paragraphs (a), (b), (c), (d) and (e)”;
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(b) omit the entry for the Scottish Crime and Drug Enforcement Agency.

*The Pyrotechnic Articles (Safety) Regulations 2010*

**99.**—(1) The Pyrotechnic Articles (Safety) Regulations 2010(**243**) are modified as follows.

(2) In regulation 3(2)(a) (scope and exclusions)—

(a) for head (iii), substitute—

“(iii) the Police Service of Scotland,”;

(b) for head (xii), substitute—

“(xii) the Scottish Fire and Rescue Service, or”;

(c) omit head (x).

*The Ministry of Defence Police (Performance) Regulations 2012*

**100.** In regulation 4 of the Ministry of Defence Police (Performance) Regulations 2012 (interpretation and delegation)(**244**) in paragraph (1) in the definition of “alternative police force” for sub-paragraph (f) substitute—

“(f) the Police Service of Scotland; or”.

SCHEDULE 3

Article 27

TRANSITIONAL AND SAVINGS PROVISIONS

**Transitional provisions: firearms**

**1.**—(1) Any authorisation, certificate or permit granted, or approval given, by a Scottish chief officer in exercise of powers conferred by the 1968 Act(**245**) or the 1988 Act(**246**) is to be treated on and after the relevant day as if it had been granted or given by the chief constable of the Police Service of Scotland.

(2) Paragraph (3) applies to an application made under the 1968 Act or the 1988 Act to a Scottish chief officer—

(a) for the grant or renewal of a firearm certificate or a shot gun certificate, but in respect of which no decision has been taken before the relevant day either to grant or refuse to grant a certificate or (as the case may be) a renewal;

(b) for the variation of a firearm certificate, but in respect of which no decision has been taken before the relevant day either to vary or refuse to vary the certificate;

(c) for a visitor’s firearm permit or a visitor’s shot gun permit, but in respect of which no decision has been taken before the relevant day either to grant or refuse to grant a permit;

(243) S.I. 2010/1554.

(244) S.I. 2012/808.

(245) 1968 c.27.

(246) 1988 c.45.

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- (d) for the issue or renewal of a European firearms pass, but in respect of which no decision has been taken before the relevant day either to issue or refuse to issue a pass or (as the case may be) renew or refuse to renew a pass;
- (e) for registration as a firearms dealer, but which has not been determined before the relevant day;
- (f) for registration by a registered firearms dealer of a new place of business, but which has not been determined before the relevant day;

(3) Where this paragraph applies an application is to be treated on and after the relevant day as if it had been made to the chief constable of the Police Service of Scotland (and is to be determined accordingly).

(4) Where a Scottish chief officer has, by virtue of section 30D(1) or (2)(b)(**247**) or section 52(2) of the 1968 Act, by notice in writing ordered the holder of a firearms certificate to surrender or (as the case may be) deliver up that certificate and that certificate has not been surrendered or delivered up before the relevant day that notice is to be treated on and after the relevant day as having been given by the chief constable of the Police Service of Scotland.

(5) Where a Scottish chief officer has, by virtue of section 12(1) of the 1988 Act(**248**), by notice in writing required the holder of a firearms certificate to surrender that certificate, any firearms or any ammunition which are in the holder's possession by virtue of that certificate and that certificate, those firearms or that ammunition has not before the relevant day been surrendered or delivered up, that notice is to be treated on and after the relevant day as having been given by the chief constable of the Police Service of Scotland.

### **Savings provision: data protection**

2. Despite paragraph 28 of Schedule 2 to this Order, paragraph (b) in the first entry in the first column in the Table in section 56(6) of the Data Protection Act 1998(**249**) continues to have effect in relation to records obtained before the relevant day.

### **Transitional provisions: regulation of investigatory powers**

3.—(1) Anything done under the 2000 Act(**250**) before the relevant day by or in relation to the chief constable of a police force maintained under the 1967 Act(**251**) or the Director General of the Scottish Crime and Drug Enforcement Agency is, on and after that day, to be treated as having been done by or in relation to the chief constable of the Police Service of Scotland.

(2) Anything else done under the 2000 Act before the relevant day by or in relation to a constable serving with a police force maintained under the 1967 Act or as a member of the Scottish Crime and Drug Enforcement Agency is, on and after that day, to be treated as having been done by or in relation to the constable while serving as a constable of the Police Service of Scotland.

### **Transitional provision: agreements with Police Complaints Commissioner for Scotland**

4. Any reference in an agreement made under article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**252**) to the Police Complaints Commissioner for Scotland is to be read as a reference to the Commissioner.

(**247**) Section 30D was inserted by the Firearms (Amendment) Act 1997 (c.5), section 40.

(**248**) 1988 c.45. Section 12(1) was amended by the Firearms (Amendment) Act 1997 (c.5), Schedule 2, paragraph 18.

(**249**) 1998 c.29. Section 56(6) is amended by this Order, Schedule 1, paragraph 28. There are amendments to section 56(6) not relevant to this Order.

(**250**) 2000 c.23.

(**251**) 1967 c.77.

(**252**) S.I. 2007/1098.

### **Transitional provision: officers engaged on service outwith their force**

5. Section 97 of the 1996 Act (police officers engaged on service outside their force)(253) applies in relation to a member of a police force (within the meaning of section 101 of that Act)(254) transferred to be on temporary service to the Police Service of Scotland, on the relevant day, by the 2012 Act(255) as if such service were relevant service for the purposes of section 97 of the 1996 Act.

### **Transitional provisions: declarations**

6. A member of the Ministry of Defence Police who, before the relevant day has made a declaration in pursuance of section 1(2)(b) of the 1987 Act(256) is, on and after that day, to be treated as having made the declaration required by section 10 of the 2012 Act.

7. A constable or special constable of the British Transport Police Force who, before the relevant day has made a declaration in pursuance of section 24(4) or, as the case may be, 25(4) of the Railways and Transport Safety Act 2003(257) is, on and after that day, to be treated as having made the declaration required by section 10 of the 2012 Act.

### **Transitional provision: bail**

8. Any direction given under section 8(6) of the Bail Act 1976 (bail with sureties)(258) before the day on which paragraph 13 of Schedule 2 to this Order comes into force is, on or after that day, to be treated as a direction that arrangements be made for the recognizance of a surety to be entered into in Scotland before a constable of the Police Service of Scotland.

### **Transitional provisions: armed forces**

9.—(1) Any warrant existing immediately before the relevant day which was issued under the Armed Forces Act 2006(259) and addressed to an officer or officers of a police force maintained under the 1967 Act is to be regarded on and after that day as if it had been issued and addressed to an officer of the Police Service of Scotland and may be executed accordingly.

(2) For the purposes of sections 116(260) and 119 of the Armed Forces Act 2006 (referral of case following investigation by service or civilian police and circumstances in which CO has power to charge etc), any investigation by a police force maintained under the 1967 Act before the relevant day may, on or after that day, be continued and, where appropriate, referred by the Police Service of Scotland.

### **Pensions: savings**

10.—(1) Despite the repeal of sections 26(261) and 27 of the 1967 Act(262), those sections continue to have effect in relation to pensions payable to or in respect of special constables and police cadets appointed under the 1967 Act.

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(253) 1996 c.16. There are amendments to section 97 not relevant to this Order.

(254) Section 101 is relevantly amended by the Police Reform and Social Responsibility Act 2011 (c.13), section 96(2)(c).

(255) 2012 asp 8.

(256) 1987 c.4.

(257) 2003 c.20.

(258) 1976 c.63.

(259) 2006 c.52.

(260) 2006 c.52. Sections 116(4) and (4A) were inserted by the Armed Forces Act 2011 (c.18), Schedule 3, paragraph 5(1).

(261) There are amendments to section 26 not relevant to this Order.

(262) Section 27(3) is amended by the Police Act 1969 (c.63), section 4(8) and the Police Act 1997 (c.50), Schedule 9, paragraph

9. See the 2012 Act and this Order, Schedule 1, paragraph 4 for repeals of sections 26 and 27.

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(2) The amendments made by paragraphs 3, 7(3) and 8(2) of Schedule 2 to this Order do not affect the operation of the Acts modified by those paragraphs in relation to special constables or police cadets appointed under the 1967 Act.

(3) The amendments made by paragraph 7(2) of Schedule 2 to this Order do not affect the operation of the Pensions (Increase) Act 1971(263) in relation to service of any of the following kinds by any person—

- (a) temporary service in accordance with section 12A(2) of the 1967 Act(264);
- (b) service as an inspector or assistant inspector of constabulary under the 1967 Act;
- (c) central service pursuant to section 38 of the 1967 Act;
- (d) service in respect of which section 38A of the 1967 Act(265) had effect.

(4) The amendment made by paragraph 8(3) of Schedule 2 to this Order does not affect the operation of the Superannuation Act 1972(266) in relation to employment by the Police Complaints Commissioner for Scotland.

(5) The amendment made by paragraph 9 of Schedule 2 to this Order does not affect the operation of the Overseas Pensions Act 1973(267) in relation to a constable engaged on relevant service within the meaning of section 38A(1)(a), (c), (e) or (f)(268) of the 1967 Act.

(6) The amendments made by paragraph 12 of Schedule 2 to this Order (other than the amendments made by sub-paragraph (3)(b) and (c)(iv) of that paragraph) do not affect the operation of the Police Pensions Act 1976(269) in relation to service of any of the following kinds by any person—

- (a) temporary service in accordance with section 12A(2) of the 1967 Act;
- (b) central service pursuant to section 38 of the 1967 Act;
- (c) relevant service within the meaning of section 38A(1)(ab)(270), (bb)(271), (bc)(272) or (d)(273) of the 1967 Act;
- (d) service with the Scottish Police Services Authority;
- (e) service as the Director General or Deputy Director General of, or as a police member of, the Scottish Crime and Drug Enforcement Agency.

### **Transitional and saving provision: transfer of functions**

**11.**—(1) The revocation, by virtue of paragraph 78(2) and paragraph 89 of Schedule 2 to this Order of the transfer to the Scottish Ministers of the functions conferred by section 32A(274) of the 1967 Act and section 5 of the 2000 Act does not affect the validity of anything done (or having effect as if done) by or in relation to the Scottish Ministers, for the purposes of or in connection with any such function, at any time before the date on which the revocation takes effect.

(263) 1971 c.56.

(264) Section 12A(2) was inserted by the Police and Magistrates' Courts Act 1994 (c.29), section 50.

(265) Section 38A was inserted by the Police and Magistrates' Courts Act 1994 (c.29), section 60. There are amendments to section 38A not relevant to this Order.

(266) 1972 c.11.

(267) 1973 c.21.

(268) Section 38A(1)(f) was inserted by the International Development Act 2002 (c.7), Schedule 4, paragraph 1 and amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), Schedule 6, paragraph 1(5)(a)(iv).

(269) 1976 c.35.

(270) Section 38A(1)(ab) was inserted by the Police Reform Act 2002 (c.30), Schedule 7, paragraph 1(1).

(271) Section 38A(1)(bb) was inserted by the Police Act 1997 (c.50), Schedule 9, paragraph 14 and repealed by the Police and Justice Act 2006 (c.48), Schedule 15, paragraph 1.

(272) Section 38A(1)(bc) was inserted by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 14(2)(b).

(273) Section 38A(1)(d) was amended by the International Development Act 2002 (c.1), Schedule 4, paragraph 1 and the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), Schedule 6, paragraph 1(5)(a)(iii).

(274) Section 32A was inserted by the Police and Magistrates' Courts Act 1994 (c.29), section 56 and was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 71(14) and S.I. 1999/1750, Schedule 5, paragraph 2(2).

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(2) Anything (including legal proceedings) which, at the time the modifications in paragraph 78(3) and paragraph 83 of Schedule 2 to this Order take effect, is in the process of being done by or in relation to the Scottish Ministers may, so far as it relates to any function the transfer of which is modified by those paragraphs, be continued on the date of the modification by or in relation to them.

(3) Anything done (or having effect as if done) by or in relation to the Scottish Ministers for the purposes of or in connection with any function the transfer of which is modified by paragraph 78(3) or paragraph 83 of Schedule 2 to this Order has effect, if in force at the time when the modification takes effect, as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect on and after the date of the modification.

### **Transitional provisions: criminal offences**

**12.**—(1) Any criminal offence committed before the relevant day by an office-holder or body mentioned in column 1 of the Table below is, on and after that day, to be regarded for all purposes as if it had been committed by the office-holder or body mentioned in column 2 of the Table and criminal proceedings may be instituted or continued against the office-holder or body accordingly.

<i>Column 1</i>	<i>Column 2</i>
Chief constable of a police force maintained under the 1967 Act	Chief constable of the Police Service of Scotland
Police force maintained under the 1967 Act	Police Service of Scotland
Police authority or joint police board established under the 1967 Act	Scottish Police Authority
Relevant authority (within the meaning of the 2005 Act)( <b>275</b> )	Scottish Fire and Rescue Service
Scottish Police Services Authority	Scottish Police Authority
Director General of the Scottish Crime and Drug Enforcement Agency established and maintained under the 2006 Act( <b>276</b> )	Chief constable of the Police Service of Scotland

(2) Paragraph (1) does not apply in relation to any offence committed by an office-holder in a personal capacity.

### **Transitional provisions: arrangements with Ministry of Defence Police**

**13.**—(1) Sub-paragraphs (2) and (3) apply to any arrangement—

- (a) made under section 2A of the 1987 Act(**277**) between the chief constable of the Ministry of Defence Police and a Scottish chief officer; and
- (b) subsisting immediately before the relevant day.

(2) An arrangement to which this sub-paragraph applies is to be treated, on and after the relevant day, as an arrangement made under section 2A of the 1987 Act between the chief constable of the Police Service of Scotland and the chief constable of the Ministry of Defence Police.

(3) Any member of the Ministry of Defence Police provided for the assistance of a police force in pursuance of an arrangement to which this sub-paragraph applies—

(**275**) 2005 asp 5.

(**276**) 2006 asp 10.

(**277**) Section 2A was inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 99. There are amendments to section 2A not relevant to this Order.

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- (a) is, on and after the relevant day, provided for the assistance of the Police Service of Scotland; and
- (b) while providing such assistance—
  - (i) is under the direction and control of the chief constable of that Service; and
  - (ii) has all the powers and privileges of a constable of that Service.

#### **Transitional provisions: arrangements with British Transport Police Force**

**14.**—(1) Sub-paragraphs (2) and (3) apply to any arrangement—

- (a) made under section 11 of the 1967 Act<sup>(278)</sup> between the chief constable of the British Transport Police Force and the chief constable of a police force;
- (b) subsisting immediately before the relevant day; and
- (c) by virtue of which assistance is given from the resources of the British Transport Police Force to that police force.

(2) An arrangement to which this sub-paragraph applies is to be treated, on and after the relevant day, as an arrangement made under article 5 of this Order between the chief constable of the British Transport Police Force and the chief constable of the Police Service of Scotland.

(3) Any constable of the British Transport Police Force provided for the assistance of a police force in pursuance of an arrangement to which this sub-paragraph applies—

- (a) is, on and after the relevant day, provided for the assistance of the Police Service of Scotland; and
- (b) while providing such assistance—
  - (i) is under the direction and control of the chief constable of that Service; and
  - (ii) has all the powers and privileges of a constable of that Service.

(4) Sub-paragraphs (5) and (6) apply to any arrangement—

- (a) made under section 11 of the 1967 Act between the chief constable of a police force and the chief constable of the British Transport Police Force;
- (b) subsisting immediately before the relevant day; and
- (c) by virtue of which assistance is given from the resources of that police force to the British Transport Police Force.

(5) An arrangement to which this sub-paragraph applies is to be treated, on and after the relevant day, as an arrangement made under article 6 of this Order between the chief constable of the Police Service of Scotland and the chief constable of the British Transport Police Force.

(6) Any constable of a police force provided for the assistance of the British Transport Police Force in pursuance of an arrangement to which this sub-paragraph applies continues, on and after the relevant day—

- (a) to be provided for the assistance of the British Transport Police Force;
- (b) to be under the direction and control of the chief constable of that Force while providing such assistance; and
- (c) to have all the powers and privileges of a constable of that Force for that purpose.

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<sup>(278)</sup>Section 11 was amended by the Anti-terrorism, Crime and Security Act 2001 (c.24), Schedule 7, paragraph 2, and S.I. 2004/1573, article 12(1)(a).

15. Where a constable of the British Transport Police Force is, immediately before the relevant day, assisting a constable of a police force in pursuance of a request made under section 100 of the Anti-terrorism, Crime and Security Act 2001(279)—

- (a) that request is to be treated, on and after the relevant day, as having been made by a constable of the Police Service of Scotland; and
- (b) the constable of the British Transport Police Force has all the powers and privileges of a constable of the Police Service of Scotland for the purposes of the incident, investigation or operation in relation to which the constable of the British Transport Police Force is providing assistance.

16.—(1) Sub-paragraph (2) applies to any agreement—

- (a) made under section 12 of the 1967 Act(280) between the chief constable of a police force and the chief constable of the British Transport Police Force; and
- (b) subsisting immediately before the relevant day.

(2) An agreement to which this sub-paragraph applies is, on and after the relevant day, to be treated as an agreement made under article 8 of this Order between the chief constable of the Police Service of Scotland and the chief constable of the British Transport Police Force.

(3) Sub-paragraph (4) applies to any agreement—

- (a) made under section 12 of the 1967 Act between a police authority and the British Transport Police Authority; and
- (b) subsisting immediately before the relevant day.

(4) An agreement to which this sub-paragraph applies is, on and after the relevant day, to be treated as an agreement made under article 8 of this Order between the Scottish Police Authority and the British Transport Police Authority.

#### **Transitional provision: arrangements with Civil Nuclear Constabulary**

17.—(1) Sub-paragraph (2) applies to any agreement—

- (a) made under section 12 of the 1967 Act between the chief constable of a police force and the chief constable of the Civil Nuclear Constabulary; and
- (b) subsisting immediately before the relevant day.

(2) An agreement to which this sub-paragraph applies is, on and after the relevant day, to be treated as an agreement made under article 8 of this Order between the chief constable of the Police Service of Scotland and the chief constable of the Civil Nuclear constabulary.

(3) Sub-paragraph (4) applies to any agreement—

- (a) made under section 12 of the 1967 Act between a police authority and the Civil Nuclear Police Authority; and
- (b) subsisting immediately before the relevant day.

(4) An agreement to which this sub-paragraph applies is, on and after the relevant day, to be treated as an agreement made under article 8 of this Order between the Scottish Police Authority and the Civil Nuclear Police Authority.

(5) In this paragraph and paragraphs 14 to 16—

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(279)2001 c.24. Section 100 was amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 10(3) and Schedule 23, paragraph 1.

(280)Section 12 was amended by the Anti-terrorism, Crime and Security Act 2001, (c.24), Schedule 7, paragraph 3, the Energy Act 2004 (c.20), Schedule 14, paragraph 2 and S.I. 2004/1573, article 12(2).

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- (a) “police authority” means a police authority established under section 2(1)(**281**) or section 19(1) of the 1967 Act(**282**); and
- (b) “police force” means a police force maintained by a police authority.

**Transitional provisions: arrangements with police forces in England and Wales and the Police Service of Northern Ireland**

**18.**—(1) Sub-paragraphs (2) to (4) apply to any arrangement—

- (a) made under section 98 of the 1996 Act(**283**) between a Scottish chief officer and an England and Wales chief officer; and
- (b) subsisting immediately before the relevant day.

(2) An arrangement to which this sub-paragraph applies is to be treated, on and after the relevant day, as an arrangement made under section 98 of the 1996 Act between the chief constable of the Police Service of Scotland and the England and Wales chief officer with whom the arrangement was made.

(3) Any constable of a police force in Scotland provided for the assistance of a police force in England and Wales in pursuance of an arrangement to which this sub-paragraph applies continues, on and after the relevant day—

- (a) to be provided for the assistance of that force;
- (b) to be under the direction and control of the chief officer of that force while providing such assistance; and
- (c) to have all the powers and privileges of a constable of that force for that purpose.

(4) Any constable of a police force in England and Wales provided for the assistance of a police force in Scotland in pursuance of an arrangement to which this sub-paragraph applies—

- (a) is, on and after the relevant day, provided for the assistance of the Police Service of Scotland; and
- (b) while providing such assistance—
  - (i) is under the direction and control of the chief constable of that Service; and
  - (ii) has all the powers and privileges of a constable of that Service.

(5) Sub-paragraphs (6) to (8) apply to any arrangement—

- (a) made under section 98 of the 1996 Act between a Scottish chief officer and the chief constable of the Police Service of Northern Ireland; and
- (b) subsisting immediately before the relevant day.

(6) An arrangement to which this sub-paragraph applies is to be treated, on and after the relevant day, as an arrangement made under section 98 of the 1996 Act between the chief constable of the Police Service of Scotland and the chief constable of the Police Service of Northern Ireland.

(7) Any constable of a police force in Scotland provided for the assistance of the Police Service of Northern Ireland in pursuance of an arrangement to which this sub-paragraph applies continues, on and after the relevant day—

- (a) to be provided for the assistance of that Service;
- (b) to be under the direction and control of the chief constable of that Service while providing such assistance; and

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**(281)** Section 2(1) was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 71(3) and the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23), Schedule 2, paragraph 12.

**(282)** There are amendments to section 19 which are not relevant to this Order.

**(283)** There are amendments to section 98 not relevant to this Order.

- (c) to have all the powers and privileges of a constable of that Service for that purpose.
- (8) Any constable of the Police Service for Northern Ireland provided for the assistance of a police force in Scotland in pursuance of an arrangement to which this sub-paragraph applies—
- (a) is, on and after the relevant day, provided for the assistance of the Police Service of Scotland; and
- (b) while providing such assistance—
- (i) is under the direction and control of the chief constable of that Service; and
- (ii) has all the powers and privileges of a constable of that Service.
- (9) In this paragraph “England and Wales chief officer” means a chief officer of a police force maintained under the 1996 Act.

### **Transitional and saving provision: costs of policing at gas facilities**

**19.**—(1) Any agreement made under section 13 of the 1967 Act(**284**) in relation to the provision of extra police services subsisting immediately before the date this Order comes into force is, on and after that date, to continue to subsist subject to sub-paragraph (2).

(2) On the date this Order comes into force any interest of the police authority or joint police board in any such agreement transfers to the Scottish Police Authority and any interest of the chief constable of the police force in any such agreement transfers to the chief constable of the Police Service of Scotland.

(3) Despite paragraph 60(6) of Schedule 2 to this Order, on and after the date this Order comes into force, section 88 of the Counter-Terrorism Act 2008(**285**) continues to have effect, in relation to any agreement made under section 13 of the 1967 Act, as it had effect immediately before that date.

(4) In this paragraph—

“police force” means a police force maintained under the 1967 Act;

“extra police services” has the meaning given by section 86(2)(b) of the Counter-Terrorism Act 2008; and

“joint police board” and “police authority” mean a joint police board or police authority established under section 2(1) or 19(1) of the 1967 Act respectively.

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## **EXPLANATORY NOTE**

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

This Order makes provision in consequence of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”).

Part 1 contains the extent and interpretation provisions.

Part 2 of the Order makes provision in relation to the Police. Provision is made so that the Police Investigations and Review Commissioner may enter into agreements with various law enforcement

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(**284**) Section 13 was amended by the Civic Government (Scotland) Act 1982 (c.45), section 77(1) and extended by section 85(1) of that Act.

(**285**) 2008 c.28.

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bodies for the Commissioner to investigate serious incidents which take place in Scotland involving officers of those bodies. It also provides that the Commissioner may investigate criminal conduct involving a person serving with one of those bodies where directed to do so by the Lord Advocate in his capacity as head of the system of criminal investigations and prosecutions in Scotland. Mutual assistance between the Police Service of Scotland and the British Transport Police Force (“BTP”) in response to special demands placed on them is also included, along with power to enter into collaboration agreements between the Police Service of Scotland and the BTP, Civil Nuclear Constabulary (“CNC”) or Ministry of Defence Police (“MDP”) so that functions or resources may be exercised or deployed jointly where that may be efficient or advantageous. The criminal offence of causing disaffection amongst members of the Police Service of Scotland, the BTP or CNC is created. The offences of assaulting or impeding a member of a police force and escape from custody contained in the 2012 Act are applied to the CNC and MDP.

Other provision in Part 2 includes power for the Secretary of State and Scottish Ministers to make grants to the Scottish Police Authority in connection with safeguarding of national security. Particular provision in relation to independent custody visiting for terrorism detainees and the refusal of access to any detainee where there are urgent and compelling national defence grounds is made. Express power is given to make it clear that goods and services may be provided outwith Scotland under section 87 of the 2012 Act. There is saving provision in relation to pensions for police officers and cadets on various types of service and power for the Scottish Ministers to make pension provision for special constables and police cadets of the Police Service of Scotland.

Part 3 of the Order makes provision in relation to fire and rescue. In particular, provision is made which permits the Scottish Fire and Rescue Service (“SFRS”) to provide assistance to fire and rescue authorities in England and Wales or the Northern Ireland Fire and Rescue Service in the carrying out of their functions. Provision is also made which permits reciprocal assistance to be provided by those services to SFRS. The Order ensures that in all cases a fire-fighter assisting a service in another part of the UK has the powers and protections necessary to carry out that function.

Part 4 and Schedules 1 and 2 to the Order make provision for consequential amendments to primary and secondary legislation in consequence of the establishment of the new Police Service of Scotland and SFRS. Schedule 3 makes transitional and saving provision in connection with that establishment and the consequential amendments.