

SCHEDULE 1

MODIFICATIONS RELATING TO POLICE

PART 1

Modification of Acts

Dogs Act 1906

- 1.—(1) The Dogs Act 1906(1) is modified as follows.
- (2) In section 3 (seizure of stray dogs)(2)—
 - (a) in subsection (6)—
 - (i) for the first “The” to the first “area” substitute “The chief constable of the Police Service of Scotland”; and
 - (ii) omit “in that area”; and
 - (b) in subsection (9)—
 - (i) for the first and third “police” substitute “Police Service of Scotland”;
 - (ii) for “out of the police fund” substitute “by the Scottish Police Authority”; and
 - (iii) for “account of the police fund” substitute “Scottish Police Authority”.
- (3) In section 8 (application of Act to Scotland)(3), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

Small Landholders (Scotland) Act 1911

2. In section 26(3)(c) of the Small Landholders (Scotland) Act 1911 (supplementary provisions and restrictions)(4), omit “, police,” and “or police burgh”.

Land Settlement (Scotland) Act 1919 (c.97)

3. In section 15 of the Land Settlement (Scotland) Act 1919 (as to land within burgh in crofting counties)(5), omit “or police” and “or police burgh”.

Children and Young Persons Act 1933

4. In section 107(1) of the Children and Young Persons Act 1933 (interpretation)(6), in the definition of “Chief officer of police” for “has” to “1967” substitute “means the chief constable of the Police Service of Scotland”.

(1) 1906 c.32.

(2) Section 3 has been amended by the Environmental Protection Act 1990 (c.43), Schedule 15, paragraph 3(2). There are other amendments to section 3 which are not relevant to this Order.

(3) Section 8 has been amended by the Statute Law Revision Act 1927 (c.42), the Statute Law (Repeals) Act 1976 (c.16), Schedule 1 and the Police (Scotland) Act 1967 (c.77), Schedules 4 and 5.

(4) 1911 c.49. There are amendments to section 26 which are not relevant to this Order.

(5) 1919 c.97. Section 15 has been amended by section 21 of the Small Landholders and Agricultural Holdings (Scotland) Act 1931 (c.44).

(6) 1933 c.12. Section 107 has been amended by the Police (Scotland) Act 1967 (c.77), Schedule 4 and by the Police Act 1996 (c.16), Schedule 9. There are other amendments to section 107 which are not relevant to this Order.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

Theatres Act 1968

5. In section 18(1) of the Theatres Act 1968 (interpretation)(7), for the definition of “police officer” substitute—

““police officer” means a constable of the Police Service of Scotland;”.

Chronically Sick and Disabled Persons Act 1970

6. In section 21(8A) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons)(8), for the second “the” to “(c.77)” substitute “section 99(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”.

Local Government, Planning and Land Act 1980

7. In section 2(1) of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information)(9) omit paragraphs (j) and (k).

Wildlife and Countryside Act 1981

8. In section 11A of the Wildlife and Countryside Act 1981 (snare: training, identification numbers, tags etc.)(10)—

- (a) in subsection (3), for the third “a” substitute “the”;
- (b) in subsection (4)—
 - (i) at the beginning, for “A” substitute “The”; and
 - (ii) in paragraph (a), omit from the second “in” to “area”;
- (c) omit subsection (7);
- (d) in subsection (8)—
 - (i) in paragraph (b), for “a” substitute “the”; and
 - (ii) in paragraph (f), for “chief constables” substitute “the chief constable”; and
- (e) in subsection (9)—
 - (i) for the definition of “chief constable” substitute—

“chief constable” means the chief constable of the Police Service of Scotland; and
 - (ii) omit the definition of “chief constable’s police area”.

Road Traffic Regulation Act 1984

9.—(1) The Road Traffic Regulation Act 1984(11) is modified as follows.

(2) In section 95 (appointment of traffic wardens)(12), for subsection (2) substitute—

“(2) Police staff appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012 and employed by the Scottish Police Authority may be designated by the chief

(7) 1968 c.54. There are amendments to section 18 which are not relevant to this Order.

(8) 1970 c.44. Section 21 has been amended by the Transport (Scotland) Act 2001 (asp 2), section 73. There are other amendments to section 21 which are not relevant to this Order.

(9) 1980 c.65. Section 2(1) has been amended by the Fire (Scotland) Act 2005 (asp 5), schedule 3, paragraph 10. There are other amendments to section 2 which are not relevant to this Order.

(10) 1981 c.69. Section 11A was inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), section 13(3) for the purposes specified in S.S.I. 2011/433 as amended by S.S.I. 2012/281.

(11) 1984 c.27.

(12) There are amendments to section 95 which are not relevant to this Order.

constable of the Police Service of Scotland to discharge any such functions as are mentioned in subsection (1) above.”.

(3) In sections 102(7) (charges for removal, storage and disposal of vehicles)(**13**) and 104(11) (immobilisation of vehicles illegally parked)(**14**), after “fund” insert “or, in Scotland, to the Scottish Police Authority”.

Housing (Scotland) Act 1987

10.—(1) The Housing (Scotland) Act 1987(**15**) is modified as follows.

(2) In section 69A(1)(a) (power to refuse to sell houses required for police purposes)(**16**), for first “a” to “(c.77)” substitute “the Scottish Police Authority as landlord in relation to a house which it holds for the purposes of maintaining the Police Service of Scotland”.

(3) In section 82 (interpretation of Part III)(**17**), in the definition of “police authority”, for first “a” to “section 19” substitute “the Scottish Police Authority established by section 1 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”.

Housing (Scotland) Act 1988

11.—(1) The Housing (Scotland) Act 1988(**18**) is modified as follows.

(2) In section 43(3)(a) (removal of special regimes for tenancies of housing associations etc.)(**19**) omit sub-paragraph (vi) and the “or” immediately preceding it.

(3) In section 45(4) (transfer of existing tenancies)(**20**) omit paragraph (f) and the “or” immediately following it.

Tay Road Bridge Order Confirmation Act 1991

12. For section 24 of the Schedule to the Tay Road Bridge Order Confirmation Act 1991 (policing, etc. of bridge.)(**21**) substitute—

“**24.**—(1) In consideration of the watching and policing of the bridge being undertaken by the Police Service of Scotland, the Joint Board shall pay to the Scottish Police Authority annually such sum as may be agreed between the Scottish Police Authority and the Joint Board as representing the reasonable costs incurred by the Police Service of Scotland in policing and watching the bridge.

(2) In the event of any difference arising between the Scottish Police Authority and the Joint Board in any year as to the amount of the payment to be made to the Scottish Police Authority by the Joint Board, such difference shall be referred to the decision of an arbiter appointed by the President for the time being of the Institute of Chartered Accountants of Scotland and the decision of such arbiter shall be final.”.

(13) There are amendments to section 102 which are not relevant to this Order.

(14) There are amendments to section 104 which are not relevant to this Order.

(15) 1987 c.26.

(16) Section 69A was inserted by section 144 of the Housing (Scotland) Act 2010 (asp 17), subject to savings specified in S.S.I. 2011/96.

(17) Section 82 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 82 which are not relevant to this Order.

(18) 1988 c.43.

(19) Section 43 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 43 which are not relevant to this Order.

(20) Section 45 has been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). There are other amendments to section 45 which are not relevant to this Order.

(21) 1991 c.iv. Section 24 has been amended by S.I. 1996/749.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

Road Traffic Act 1991

13. In paragraph 2(6) of Schedule 3 to the Road Traffic Act 1991 (special parking areas)(**22**), for paragraph (a) substitute—

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

Tribunals and Inquiries Act 1992

14. In Part 2 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under supervision of Scottish Committee)(**23**)—

- (a) in paragraph 57(c) (pensions), for “a” to “(c.77)” substitute “the Police Service of Scotland within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8)”; and
- (b) in paragraph 57A (police), for “Schedule” to “(c.77)”, substitute “schedule 3 to the Police and Fire Reform (Scotland) Act 2012 (asp 12)”.

Children (Scotland) Act 1995

15. In section 53(3) of the Children (Scotland) Act 1995 (provision of information to the Principal Reporter)(**24**), for “(b)” to “1967” substitute “(d) of section 20(1) of the Police and Fire Reform (Scotland) Act 2012”.

Criminal Procedure (Scotland) Act 1995

16. In section 285 of the Criminal Procedure (Scotland) Act 1995 (previous convictions: proof, general)(**25**)—

- (a) in subsection (2)—
 - (i) after “signed by” insert “or on behalf of”;
 - (ii) for the first “Secretary of State” to the first “certificate” substitute “chief constable of the Police Service of Scotland”; and
 - (iii) for first “in pursuance” to second “Metropolis” substitute “by the person by whom, or on whose behalf, the certificate is signed”; and
- (b) in subsection (5)—
 - (i) after “signed by” insert “or on behalf of”;
 - (ii) for first “Secretary of State” to first “certificate” substitute “chief constable of the Police Service of Scotland”;
 - (iii) omit “the Secretary of State or by a person authorised by him to sign such a certificate or by”;
 - (iv) before “or the Commissioner” insert “the chief constable of the Police Service of Scotland”.

(22) 1991 c.40. There are amendments to Schedule 3 which are not relevant to this Order.

(23) 1992 c.53. Part 2 of Schedule 1 has been amended by the Police and Magistrates’ Courts Act 1994 (c. 29), Schedule 5, paragraph 40(3). There are other amendments not relevant to this Order.

(24) 1995 c.36. There is an amendment to section 53 which is not relevant to this Order.

(25) 1995 c.46. Section 285 has been amended by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 59.

Police Act 1996

17. In section 62(1A)(a) of the Police Act 1996 (functions of the Board with respect to regulations)(**26**) omit “(other than regulations relating to special constables)”.

Housing (Scotland) Act 2001

18. In paragraph 2(2) of schedule 1 to the Housing (Scotland) Act 2001 (police and fire service accommodation)(**27**)—

- (a) in paragraph (a), for “held” substitute “provided”; and
- (b) in paragraphs (a) and (b) for “a police force” substitute “the Police Service of Scotland”.

Proceeds of Crime Act 2002

19.—(1) The Proceeds of Crime Act 2002(**28**) is modified as follows.

(2) In section 139(9) (serious default)(**29**)—

- (a) in paragraph (a), for “police authority” to “maintained” substitute “Scottish Police Authority”; and
- (b) after that paragraph, insert—
 - “(aa) if the person in default was a constable of the Police Service of Scotland, the compensation is payable by the Scottish Police Authority.”.

(3) In section 302(7) (compensation)(**30**)—

- (a) in paragraph (b), for “police authority” to “maintained” substitute “Scottish Police Authority”; and
- (b) after that paragraph insert—
 - “(ba) in the case of a constable of the Police Service of Scotland, it is to be paid by the Scottish Police Authority.”.

Sexual Offences Act 2003

20.—(1) The Sexual Offences Act 2003(**31**) is modified as follows.

(2) In section 87(1)(a) (method of notification and related matters)(**32**) omit “in his local police area”.

(3) In section 88 (section 87: interpretation)(**33**) omit subsection (3).

(4) In section 88C(8) (review of the indefinite notification requirements: procedure and grounds)(**34**), for “police force” to “resides” substitute “Police Service of Scotland”.

(5) In section 89(5) (young offenders: parental directions)—

(26) [1996 c.16](#). Section 62 has been amended by schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act [2006 \(asp 10\)](#) and by Part 1 of schedules 7 and 8 to the Police and Fire Reform (Scotland) Act [2012 \(asp 8\)](#). There are other amendments to section 62 which are not relevant to this Order.

(27) [2001 asp 10](#). Paragraph 2(2) was inserted by section 154(c) of the Housing (Scotland) Act [2010 \(asp 17\)](#). Paragraph 2 has also been amended by Part 2 of schedule 8 to the Police and Fire Reform (Scotland) Act [2012 \(asp 8\)](#). There are other amendments to schedule 1 which are not relevant to this Order.

(28) [2002 c.29](#).

(29) There is an amendment to section 139 which is not relevant to this Order.

(30) There are amendments to section 302 which are not relevant to this Order.

(31) [2003 c.42](#).

(32) There are amendments to section 87 which are not relevant to this Order.

(33) There are amendments to section 88 which are not relevant to this Order.

(34) Section 88C was inserted by [S.S.I. 2011/45](#).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

- (a) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”; and
 - (b) omit “within” to “force”.
- (6) In section 90(2)(parental directions: variations, renewals and discharges), for paragraph (e) substitute—
- “(e) in Scotland—
 - (i) where the appropriate court is a civil court, the chief constable of the Police Service of Scotland; and
 - (ii) in any other case, the prosecutor;”.
- (7) In section 96A (police powers of entry to and examination of relevant offender’s home address)(35)—
- (a) in subsection (1)—
 - (i) omit the first “of the relevant force”; and
 - (ii) for the second “relevant force” substitute “Police Service of Scotland”;
 - (b) in subsection (2)(d), for “relevant force” substitute “Police Service of Scotland”; and
 - (c) in subsection (11)—
 - (i) omit the definition of “the relevant force”; and
 - (ii) in the definition of “senior police officer”, after “constable” insert “of the Police Service of Scotland”.
- (8) In section 103(1) (sections 97 to 100: Scotland)—
- (a) in paragraph (a), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”; and
 - (b) in paragraph (c) omit “within” to “force”.
- (9) In section 105(1) (SOPOs: further provision as respects Scotland)(36)—
- (a) for “A chief constable” substitute “The chief constable of the Police Service of Scotland”; and
 - (b) for “the area of his police force” substitute “Scotland”.
- (10) In section 112(1)(c) (sections 104 and 106 to 109: Scotland)(37), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”.
- (11) In section 121(1)(a) (sections 114 to 118: Scotland), for second “a” to “force” substitute “the chief constable of the Police Service of Scotland and to Scotland”.

Police, Public Order and Criminal Justice (Scotland) Act 2006

21. In section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (interpretation of Chapter 2)(38), in the definition of “Police Service”, for “for” substitute “of”.

(35) Section 96A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 80.

(36) Section 105 has been amended by section 17(1) of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9), subject to the savings specified in S.S.I. 2005/480.

(37) There are amendments to section 112 which are not relevant to this Order.

(38) 2006 asp 10. Section 47 was substituted by paragraph 33(11) of schedule 7 to the Police and Fire Reform (Scotland) Act 2012 (asp 8).