

## SCHEDULE 1

### MODIFICATIONS RELATING TO POLICE

#### PART 2

##### Modification of statutory instruments

###### *Local Authority Accounts (Scotland) Regulations 1985*

**22.** In the Schedule to the Local Authority Accounts (Scotland) Regulations 1985 (content of remuneration report)(1)—

- (a) in paragraph 1 (definitions), in the definition of “relevant person” for “a senior councillor, senior employee or senior police officer” substitute “a senior councillor or senior employee”;
- (b) in that paragraph omit the definition of “senior police officer”;
- (c) in paragraph 4 (general disclosure by pay band) omit “, or police officers with,”;
- (d) in paragraph 7(a) omit “or senior police officers”;
- (e) in paragraph 8(d) and (e) omit “or police officer”; and
- (f) in paragraph 10(a) omit “or senior police officers”.

###### *Local Authorities (Publicity Account) (Exemption) (Scotland) Order 1988*

**23.** In paragraph 5 of Schedule 1 to the Local Authorities (Publicity Account) (Exemption) (Scotland) Order 1988(2) (descriptions of exempt publicity), for “a” to “authority” substitute “the chief constable of the Police Service of Scotland”.

###### *Council Tax (Administration and Enforcement) (Scotland) Regulations 1992*

**24.** In regulation 3(2) of the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992 (information from public bodies)(3) omit sub-paragraph (b).

###### *Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998*

**25.—**(1) In regulation 38 of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (interpretation of Part V)(4)—

- (a) in paragraph (1)(5)—
  - (i) for “section” to “1967” substitute “section 25 of the Police and Fire Reform (Scotland) Act 2012”; and
  - (ii) for second “police” to “training” substitute “Scottish Police Authority”; and
- (b) in paragraph (3)(b), for “27” to “1967” substitute “48 of the Police and Fire Reform Act 2012”.

(1) [S.I. 1985/267](#). The Schedule was inserted by [S.S.I. 2011/64](#).

(2) [S.I. 1988/332](#).

(3) [S.I. 1992/1332](#). There are amendments to regulation 3 which are not relevant to this Order.

(4) [S.I. 1998/192](#).

(5) Paragraph (1) has been amended by [S.I. 1998/364](#) and [S.S.I. 2009/187](#).

**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 This draft has been replaced by a new draft, *The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013* ISBN 978-0-11-101989-4

*Sexual Offences Act 2003 (Travel Notification Requirements)  
(Scotland) Regulations 2004 (S.S.I. 2004/205)*

**26.** In regulation 10 of the Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 (giving a notification)(**6**), for paragraphs (1) and (2) substitute—

“(1) For the purpose of giving a notification under section 86(2), as required by regulation 5(2), or under section 86(3), or a further notification under section 86(2), as required by regulation 7, a relevant offender must attend at a police station prescribed under section 87.”.

*Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005*

**27.**—(1) The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005(**7**) are modified as follows.

(2) In regulation 2(1) (interpretation)(**8**), after the definition of “community risk register” insert—

““co-ordination area” means any of the following areas comprising the local government areas (as defined by section 1 of, and Schedule 1 to, the Local Government etc. (Scotland) Act 1994(**9**) and as adjusted under section 17 of the Local Government (Scotland) Act 1973(**10**))—

- (a) Dumfries and Galloway;
- (b) North Ayrshire, Inverclyde, Dumbarton and Clydebank, Argyll and Bute, Renfrewshire, East Renfrewshire, East Dunbartonshire, City of Glasgow, North Lanarkshire, South Lanarkshire, East Ayrshire and South Ayrshire;
- (c) Falkirk, Clackmannan and Stirling;
- (d) West Lothian, City of Edinburgh, Midlothian, East Lothian and The Borders;
- (e) Perthshire and Kinross, City of Dundee and Angus;
- (f) Moray, Aberdeenshire and City of Aberdeen;
- (g) Fife; or
- (h) Highland, Orkney Islands, Shetland Islands and Western Isles;”.

(3) For each reference to “police area” in the Regulations substitute “co-ordination area”.

*Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006*

**28.** For article 2(a) of the Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006(**11**), substitute—

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

*Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders) (Scotland) Order 2006*

**29.**—(1) The Serious Organised Crime and Police Act 2005 (Specified Persons for Financial Reporting Orders) (Scotland) Order 2006(**12**) is modified as follows.

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(6) [S.S.I. 2004/205](#).

(7) [S.S.I. 2005/494](#).

(8) There is an amendment to regulation 2 which is not relevant to this Order.

(9) [1994 c.39](#).

(10) [1973 c.65](#).

(11) [S.S.I. 2006/63](#).

(12) [S.S.I. 2006/170](#).

- (2) In article 1 (citation, commencement, extent and interpretation)(**13**)—
- (a) in the heading, for “, extent and interpretation” substitute “and extent”; and
  - (b) omit paragraph (3).
- (3) In article 2 (specified persons)(**14**)—
- (a) for sub-paragraph (a), substitute—
    - “(a) a senior officer of the Police Service of Scotland (within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012).”; and
  - (b) omit sub-paragraph (b).

*National Health Service Central Register (Scotland) Regulations 2006*

**30.** In Schedule 2 to the National Health Service Central Register (Scotland) Regulations 2006 (information which may be provided from the register and persons to whom it may be provided)(**15**), for the words in column (2) of entry 7 substitute—

“A chief constable of a police force in England and Wales or Northern Ireland, the chief constable of the police service of Scotland or the Security Service.”.

*Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007*

**31.** In the Schedule to the Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007 (listed tribunals)(**16**), for the entry relating to a police appeals tribunal, substitute—

“A police appeals tribunal constituted in accordance with section 56 of, and schedule 3 to, the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)).”.

*Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008*

**32.** In Schedule 1 to the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (list of police stations)(**17**), omit the column with the heading “POLICE AREA”.

*Victim Statements (Prescribed Offences) (No. 2) (Scotland) Order 2009*

**33.** In the Schedule to the Victim Statements (Prescribed Offences) (No. 2) (Scotland) Order 2009 (offences prescribed for the purposes of section 14(2) of the Criminal Justice (Scotland) Act 2003)(**18**), after paragraph 8 insert—

“**8A.** An offence under section 90(1)(a) of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)) (assaulting or impeding police), but only in respect of an assault on an individual acting in a capacity mentioned in subsection (3)(a) or (c) of that section.”.

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(13) Article 1 has been amended by [S.S.I. 2007/89](#).

(14) Article 2 has been amended by [S.S.I. 2007/89](#).

(15) [S.S.I. 2006/484](#). Schedule 2 has been amended by [S.S.I. 2008/358](#). There are other amendments not relevant to this Order.

(16) [S.S.I. 2007/436](#). There are amendments to the Schedule which are not relevant to this Order.

(17) [S.S.I. 2008/128](#). Schedule 1 has been amended by [S.S.I. 2012/50](#).

(18) [S.S.I. 2009/71](#). There are amendments to the Schedule which are not relevant to this Order.

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*Police Act 1997 (Criminal Records) (Scotland) Regulations 2010*

**34.**—(1) The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(**19**) are modified as follows.

(2) In regulation 5 (central records: prescribed details)(**20**), in paragraphs (1)(a) and (2)(a), for “Scottish Police Services Authority” substitute “Police Service of Scotland”.

(3) In regulation 7 (enhanced criminal record certificates: police forces) omit sub-paragraph (a).

(4) In regulation 8(1) (enhanced criminal record certificates: relevant police forces) omit sub-paragraph (j).

(5) In regulation 16(2) (appropriate bodies to pay fee for information provided to the Scottish Ministers)(**21**) omit sub-paragraph (h).

*Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010*

**35.**—(1) The Knives etc. (Disposal of Forfeited Property) (Scotland) Order 2010(**22**) is modified as follows.

(2) In article 2 (interpretation) omit the definition of “the relevant authority”.

(3) In article 4 (disposal of property)(**23**), for “relevant authority”, in each place it occurs, substitute “Scottish Police Authority”.

*Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010*

**36.** In Schedule 1 to the Regulation of Investigatory Powers (Prescription of Offices, etc. and Specification of Public Authorities) (Scotland) Order 2010 (prescribed offices, ranks and positions with relevant public authorities for the purposes of sections 6, 7 and 8 of the 2000 Act)(**24**)—

(a) in the first entry, for the words in column 1 substitute “The Police Service of Scotland”; and

(b) in the second entry—

(i) for the words in column 1 substitute “The Police Investigations and Review Commissioner”;

(ii) for the words in column 2 substitute “The Police Investigations and Review Commissioner”; and

(iii) for the word in column 3 substitute “Director of Investigations”.

*Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010*

**37.** In regulation 7 of the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010(**25**) (prescribed bodies) omit sub-paragraph (h).

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(19) [S.S.I. 2010/168](#).

(20) Regulation 5 has been amended by [S.S.I. 2012/354](#).

(21) There is an amendment to regulation 16 which is not relevant to this Order.

(22) [S.S.I. 2010/214](#).

(23) There is an amendment to article 4 which is not relevant to this Order.

(24) [S.S.I. 2010/350](#).

(25) [S.S.I. 2010/383](#).

*Scottish Parliament (Disqualification) Order 2010*

**38.** In Part I of the Schedule to the Scottish Parliament (Disqualification) Order 2010 (office-holders disqualified from being a member of the Scottish Parliament)(**26**) omit—

- (a) “Chief Executive or member of, or constable seconded to, the Scottish Police Services Authority.”; and
- (b) “Director General, Deputy Director General or police member of the Scottish Crime and Drug Enforcement Agency.”.

*Prisons and Young Offenders Institutions (Scotland) Rules 2011*

**39.**—(1) In rule 68 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (visits by police constables)(**27**)—

- (a) in paragraph (1) omit from the first “or” to the second “Agency.”;
- (b) for paragraph (2) substitute—

“(2) A police constable may only visit or see a prisoner under paragraph (1) on production of the written authority of a procurator fiscal or the chief constable of the Police Service of Scotland.”.

(2) A police constable may only visit or see a prisoner under paragraph (1) on production of the written authority of a procurator fiscal or the chief constable of the Police service of Scotland.

*Snares (Identification Numbers and Tags) (Scotland) Order 2012*

**40.** In article 5 of the Snares (Identification Numbers and Tags) (Scotland) Order 2012 (issuing of identification numbers)(**28**) omit paragraph (2).

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(26) S.S.I. 2010/2476. There are amendments to Part I which are not relevant to this Order.

(27) S.S.I. 2011/331.

(28) S.S.I. 2012/282.