
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 6

MISCELLANEOUS

Transitional: Theatres Act 1968

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

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

Transitional: Sexual Offences Act 2003

14. In section 96A(2)(d) of the Sexual Offences Act 2003(3) the reference to an attempt by a constable of the Police Service of Scotland to examine and search premises includes such an attempt before 1st April 2013 by a constable of a police force maintained under the 1967 Act for the area in which the premises are situated.

Transitional: Children’s Hearings (Scotland) Rules 1996

15.—(1) Paragraph (2) applies where—

- (a) the Principal Reporter decides, on or after 1st April 2013, in terms of rule 3(2) of the Children’s Hearings (Scotland) Rules 1996(4) that no further action is required in relation to a case; and
- (b) that Reporter received information in relation to that case from a constable of a police force.

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

(3) Paragraph (4) applies where—

- (a) a children’s hearing has, on or after 1st April 2013, made a decision disposing of a case of a child under Part IV of the Children’s Hearings (Scotland) Rules 1996; and

(1) 1968 c.54. There are amendments to section 14 which are not relevant to this Order.

(2) There are amendments to Schedule 1 which are not relevant to this Order.

(3) 2003 c.42. Section 96A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), section 80 and amended by the Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/).

(4) S.I. 1996/3261.

(b) the information leading to the investigation of the case of the child was given by a constable of a police force.

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

Transitional: complaints handling

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

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

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

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

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

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

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

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

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

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

(a) the Authority where the complaint relates to an act or omission of—

- (i) a person mentioned in paragraph (1)(a)(i), (ii) or (vi);
- (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank above chief superintendent; or
- (iii) an individual who, when the act or omission occurred, was the Director General of the Scottish Crime and Drug Enforcement Agency; and

(b) the chief constable where the complaint relates to an act or omission of—

- (i) a body mentioned in paragraph (1)(a)(iii);
- (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank of or below chief superintendent;
- (iii) an individual mentioned in paragraph (1)(a)(v); or

- (iv) an individual who, when the act or omission occurred, was a member of the Scottish Crime and Drug Enforcement Agency other than the Director General.

Transitional: rewards

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

Transitional: Her Majesty’s inspectors of constabulary in Scotland

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

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

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

- (a) the Authority;
- (b) the chief constable; and
- (c) in the case of an inspection required by the Scottish Ministers under section 26A of the 1967 Act⁽⁵⁾, the Scottish Ministers.

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

(5) In this article—

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

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

(5) 1967 c.77. Section 26A was inserted by the Police and Magistrates’ Courts Act 1994 (c. 29), section 54 and repealed by schedule 8 to the Police and Fire Reform (Scotland) Act 2012 (asp 8).