

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations brings into effect the constitution of the Police Negotiating Board for Scotland (“PNBS”). A copy of the constitution is available at <http://www.gov.scot/ISBN/9781805258179>.

Regulation 3 disapplies the mandatory rules contained in schedule 1 of the Arbitration (Scotland) Act 2010 (see also section 8 of that Act) from disputes within PNBS about representations to be made to the Scottish Ministers which are submitted to arbitration in accordance with the constitution. The mandatory rules do not currently apply to statutory arbitrations such as these, but would otherwise apply once the relevant provisions of the 2010 Act are fully commenced.

Regulation 4 specifies what constitutes a “qualifying case” under section 55D(2)(a) of the Police and Fire Reform (Scotland) Act 2012. Where PNBS makes representations to the Scottish Ministers under section 55B(1) of the 2012 Act following arbitration in accordance with their constitution and those representations are in respect of a qualifying case, the Scottish Ministers have a duty to take all reasonable steps appearing to them to be necessary for giving effect to those representations (subject to the exceptions set out in section 55D(2)(b)).

An Equality Impact Assessment (EQIA) was undertaken by the Scottish Government during the development of policy and provisions in the Criminal Justice (Scotland) Bill. It found that there would be no negative impacts for persons within the protected groups.

A Financial Memorandum was published for the Criminal Justice (Scotland) Bill and no additional costs were identified for other bodies, individuals or businesses. No Business and Regulatory Impact Assessment is therefore required for these Regulations.