
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) (asp 10).

Article 3 and the schedule bring the following provisions of the Act into force on 1st January 2007–

- (a) section 1(1) (establishment of the Scottish Police Services Authority);
- (b) section 1(2) (establishment of the Scottish Police Services Authority) but only for the purpose of bringing into force the provisions of schedule 1 specified in column 1 of the Table in the schedule;
- (c) section 2(1) (duty to establish and maintain the Agency);
- (d) section 4 (strategic priorities of the Authority), section 8 (provision of information to the Scottish Ministers), section 10 (grants);
- (e) section 12(1)(a), (b) and (d), (2) (members of the Agency), section 13 (strategic priorities of the Agency), section 16(1) (general functions of Director General of the Agency), section 18 (Scottish Ministers' power to modify section 17), section 23 (regulations relating to the Agency), section 24 (the police support services: modification by order), section 25 (use of the police support services), section 30 (directions), section 31 (transfer of staff, property etc), section 32 (interpretation of Chapter 1);
- (f) section 33 (Police Complaints Commissioner for Scotland), section 34 (“relevant complaint” and “person serving with the police”), section 38(4) (reconsideration of a complaint: duties to keep persons informed), section 41 (appropriate authority in relation to a complaint) and section 47 (interpretation of Chapter 2);
- (g) section 83 (retention of samples etc.: prosecutions for sexual and violent offences);
- (h) section 85(3) (assessment following positive test under section 20A of the 1995 Act);
- (i) section 101 (modification of enactments) but only for the purpose of bringing into force the provisions of schedule 6 specified in column 1 of the Table in schedule 1;
- (j) schedule 1, paragraphs 1 to 9, 10(1), 11(1), (5) to (8), 12, 13, 14(1) and (3), 15 and 16 (the Scottish Police Services Authority);
- (k) schedule 2, paragraphs 1 to 6, 8 and 9 (membership of the Scottish Crime and Drug Enforcement Agency);
- (l) schedule 3 (transfers of staff and property);
- (m) schedule 4 (Police Complaints Commissioner for Scotland); and
- (n) schedule 6, paragraphs 5(4) and (5), 7 and 12 (modifications of enactments).

Article 3 and the schedule also bring section 35 (examination of manner of handling of complaint), section 36 (duty of Commissioner not to proceed with certain complaint handling reviews), section 39 (power of Commissioner to discontinue reconsideration), section 44 (provision of information to the Commissioner), section 84 (testing of arrested persons for Class A drugs) and section 90 (interpretation of sections 85 to 88) into force on the 1st January 2007 but only for the purpose of enabling orders and regulations under those provisions to be made.