
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplementary, transitional, transitory and saving provision in connection with the coming into force of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”).

Part 2 contains general provisions. Article 2 makes provision so that in any document issued in the period from 1st April 2013 to 1st April 2014 to or by or in relation to a constable of the Police Service of Scotland, a member of police staff or member of staff of the Scottish Police Authority, any reference to a police force which was established under the Police (Scotland) Act 1967 or to the Scottish Crime and Drug Enforcement Agency is to be construed as a reference to the Police Service of Scotland. Analogous provision is made in relation to references in documents to the Scottish Police Services Authority, a police authority or joint police board established under the Police (Scotland) Act 1967.

Article 3 makes general transitional provision so that the transition to new policing and fire and rescue service structures does not affect the validity of anything done before transition. Provision is also made so that anything in the process of being done before 1st April 2013 may be carried on after that date by the equivalent person or body mentioned. Further, provision is made so that anything which has been done before that date by the persons and bodies mentioned is to be regarded after 1st April 2013 as if it had been done by the equivalent new person or body.

Article 4 makes provision so that information about what predecessor bodies or police forces did can continue to be provided to the Scottish Ministers and the Scottish Police Authority. Article 5 makes equivalent provision in relation to fire and rescue services.

Part 3 contains financial provision about joint boards and accounting. Local government finance provisions are applied to joint boards and this Part makes provision so that, when the joint police boards and joint fire and rescue boards are dissolved on 1st April 2013, a nominated constituent local authority (named the “accounting authority”) is to prepare the necessary accounts in respect of the financial year ending before 1st April 2013 and for those accounts to follow the normal audit processes.

Part 4 makes provision for certain provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 to continue in force subject to modifications, despite their repeal by the 2012 Act. These provisions are saved and modified so that reports in relation to the year ending 31st March 2013 may continue to be provided, and for information in relation to that year to continue to be provided to the Scottish Ministers.

Part 5 makes saving provision in relation to Police Appeals Tribunals. The provisions of the Police (Scotland) Act 1967 about such tribunals are saved with modifications so that cases ongoing as at 1st April 2013 may continue to be heard to their conclusion. These provisions should be read in conjunction with the transitional provisions contained in the Police Appeals Tribunals (Scotland) Rules 2013.

Part 6 makes miscellaneous transitional provision for those situations which are not caught by the general provision in Part 2 of the Order.