

SCHEDULE 3

Regulation 25

TRANSITIONALS, SAVINGS AND REVOCATIONS

Interpretation

1. In this Schedule—

“police force” means a police force maintained under the Police (Scotland) Act 1967(1);

“the 2008 Regulations” means the Police (Special Constables) (Scotland) Regulations 2008(2);
and

“transferred special constable” means a special constable of a police force who is transferred to the Police Service under schedule 5 to the 2012 Act.

Transitional: business interests

2.—(1) Any consent given by a chief constable of a police force under regulation 5(1) of the 2008 Regulations before 1st April 2013 is, on and after that date, to be treated as if it had been given by the chief constable of the Police Service under regulation 4(1) of these Regulations.

(2) Any written notice given to a chief constable of a police force under regulation 5 of the 2008 Regulations before 1st April 2013 is to be treated, on and after that date, as if it had been given to the chief constable of the Police Service under regulation 4 of these Regulations.

Transitional: retirement

3.—(1) This paragraph applies in respect of any transferred special constable who, before 1st April 2013, gave notice of intention to retire, or had such shorter notice accepted, in accordance with regulation 8(1) of the 2008 Regulations.

(2) Any notice of intention to retire given or accepted under regulation 8(1) of the 2008 Regulations is to be treated as if it had been given or accepted in accordance with regulation 6(1) of these Regulations and the transferred special constable is to retire on the same date as if the 2008 Regulations had continued in force.

Transitional and saving: personal records

4.—(1) This paragraph applies in respect of any transferred special constable.

(2) For the purposes of regulation 7(2)(i) of these Regulations, the personal record maintained in respect of a special constable must contain a record of any disposal made after 1st April 2013 under the 2008 Regulations (as saved and modified by paragraphs 6 and 7).

(3) Notwithstanding the revocation of regulation 9 of the 2008 Regulations by paragraph 9, any record of any disposal in relation to a transferred special constable which would otherwise have been expunged in accordance with regulation 9(3) and (4) of those Regulations is to be expunged from the personal record maintained under regulation 7 of these Regulations as if regulation 9(3), (4) and (6) were still in force and applied to the personal record of the special constable maintained under these Regulations.

(1) 1967 c.77.

(2) S.S.I. 2008/117; amended by S.S.I. 2009/372.

Transitional: fingerprints and samples

5.—(1) Regulation 9(1) of these Regulations does not apply to any transferred special constable whose fingerprints, samples or the information derived from samples have been transferred to the chief constable of the Police Service, unless the chief constable so requires in a particular case.

(2) Any fingerprints, samples or the information derived from samples taken in accordance with regulations 12 or 13 of the 2008 Regulations and transferred to the chief constable of the Police Service are to be treated as having been taken in accordance with regulation 9 of these Regulations and are to be retained, used and destroyed in accordance with regulation 9.

Transitional and saving: misconduct

6.—(1) For the purpose of these Regulations, references to an act or omission of a special constable include references to an act or omission of a transferred special constable occurring before 1st April 2013.

(2) Notwithstanding paragraph 9, the 2008 Regulations continue to have effect (as they had effect immediately before the coming into force of paragraph 9) so far as they relate to misconduct, subject to the modifications in paragraph 7, where—

- (a) any report, complaint or allegation was received by a police force before 1st April 2013 from which it could reasonably be inferred that an act or omission of a special constable of that force amounted, or may have amounted, to misconduct under those Regulations;
 - (b) any proceedings under those Regulations in relation to that report, complaint or allegation have not been concluded before 1st April 2013; and
 - (c) the individual in respect of whom that report, complaint or allegation was made is a transferred special constable.
- (3) For the purpose of paragraph (2)(b), proceedings are concluded—
- (a) in accordance with regulation 17(3) of the 2008 Regulations, on the date on which it is decided no inquiry is to take place; or
 - (b) where a finding of misconduct is recorded and a disposal imposed under regulation 22 of the 2008 Regulations, on the date—
 - (i) on which the period for requesting a review under regulation 23 of those Regulations has expired; or
 - (ii) where a request for review is made under regulation 23 of those Regulations, on which the chief constable of the police force makes a decision on that review.

Misconduct: modifications of the 2008 Regulations

7.—(1) The 2008 Regulations are modified as follows.

(2) In regulation 2(1)—

(a) in the appropriate places insert—

““constable” means a constable of the Police Service;”;

““Police Service” means the Police Service of Scotland;”;

““transferred special constable” means a special constable of the Police Service who transferred to the Police Service under schedule 5 to the Police and Fire Reform (Scotland) Act 2012;”;

(b) for the definition of “special constable” substitute—

““special constable” means a transferred special constable.”.

(3) In regulation 2(2)—

- (a) in sub-paragraph (a), from “means,” to the end substitute “means the chief constable of the Police Service; and”; and
- (b) in sub-paragraph (b) from “means” to the end substitute “means the deputy chief constable of the Police Service designated under regulation 4 of the Police Service of Scotland (Conduct) Regulations 2013.”.
- (4) Omit regulations 18(2)(a), 19(2)(a) and 21(2)(a).
- (5) In regulations 18(3)(a) and (b), 19(3)(a) and (b) and 21(3)(a) and (b) for “a” where it occurs substitute “the”.
- (6) In regulation 22(2)(a) and (b) for “police force” substitute “Police Service”.
- (7) In regulation 23(4)(a) for “that” substitute “the”.
- (8) The terms used in paragraph 1(f) of Schedule 2 have the same meaning as they had under the Police (Scotland) Act 1967.

Transitional: uniform and equipment

8. Any uniform and equipment which a transferred special constable was issued under regulation 28 of the 2008 Regulations is to be treated as if it were issued under regulation 23 of these Regulations.

Revocations

- 9.** The following are revoked, so far as not already revoked—
 - (a) The Police (Special Constables) (Scotland) Regulations 1966**(3)**;
 - (b) The Police (Special Constables) (Scotland) Regulations 2008**(4)**;
 - (c) Regulation 3 of the Police (Scotland) Amendment Regulations 2009**(5)**.

(3) S.I. 1966/97; revoked with savings by S.S.I. 2008/117.

(4) S.S.I. 2008/117; amended by S.S.I. 2009/372.

(5) S.S.I. 2009/372.