
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 49 (C. 4)

POLICE

**The Criminal Justice (Scotland) Act 2016
(Commencement No. 7) Order 2023**

Made - - - - 21st February 2023
*Laid before the Scottish
Parliament* - - - - 23rd February 2023
Coming into force - - 9th March 2023

The Scottish Ministers make the following Order in exercise of the power conferred by section 117(2) of the Criminal Justice (Scotland) Act 2016⁽¹⁾.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice (Scotland) Act 2016 (Commencement No. 7) Order 2023 and comes into force on 9 March 2023.

(2) In this Order—

“the Act” means the Criminal Justice (Scotland) Act 2016,

“the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012⁽²⁾.

Appointed day

2. 9 March 2023 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 113(1) (Police Negotiating Board for Scotland- establishment and functions), but only for the purpose of the insertion of section 55A of the 2012 Act (establishment of the PNBS),
- (b) section 113(3) and (4),
- (c) schedule 3 (Police Negotiating Board for Scotland),
- (d) section 114(1)(b) (consequential and transitional).

(1) 2016 asp 1.

(2) 2012 asp 8, to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
21st February 2023

KEITH BROWN
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 113(1) of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”), but only for the purpose of establishing the Police Negotiating Board for Scotland (“PNBS”). It also brings into force section 113(3) and (4) and schedule 3 of the 2016 Act. Section 113(3) inserts provision into section 125 of the Police and Fire Reform (Scotland) Act 2012 which is consequential on enabling powers contained in new schedule 2A of that Act, as it specifies the Parliamentary procedure which applies to those powers. Section 113(4) gives effect to schedule 3, which in turn inserts the new schedule 2A. This contains a series of rules relating to the governance of PNBS. The provisions brought into force by the Order will enable the setting up of the PNBS and the appointment of a chairperson.

The Order also brings into force section 114(1)(b) of the 2016 Act, which makes the appointment of the chairperson subject to the code of practice of the Commissioner for Ethical Standards in Public Life in Scotland.

The Bill for the 2016 Act received Royal Assent on 13 January 2016. Sections 71, 73 to 77 and 115 to 118 came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>Instrument no.</i>
Sections 1 to 41	25 January 2018	S.S.I. 2017/345
Section 42	10 January 2020	S.S.I. 2019/363
Sections 43 to 59	25 January 2018	S.S.I. 2017/345
Sections 60 to 64	17 January 2017	S.S.I. 2016/426
Sections 65 to 69	11 May 2017	S.S.I. 2017/99
Section 72	11 May 2017	S.S.I. 2017/99
Section 78	17 January 2017	S.S.I. 2016/426
Sections 79, 80 and 81(1), (2) and (5)	29 May 2017	S.S.I. 2017/99
Section 81(3) and (4)	31 July 2017	S.S.I. 2017/99
Section 81(6) and (7)	28 August 2017	S.S.I. 2017/99
Sections 82 and 83	17 January 2017	S.S.I. 2016/426
Section 84	10 March 2016	S.S.I. 2016/95
Sections 87 to 96	17 January 2017	S.S.I. 2016/426
Section 97	25 January 2018	S.S.I. 2017/345
Sections 98 to 101	17 January 2017	S.S.I. 2016/426

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<i>Provision</i>	<i>Date of commencement</i>	<i>Instrument no.</i>
Sections 102 and 103	10 January 2020	S.S.I. 2019/363
Sections 104 to 106	17 January 2017	S.S.I. 2016/426
Section 109	25 January 2018	S.S.I. 2017/345
Section 110(1) and (2)(b)	25 January 2018	S.S.I. 2017/345
Sections 110(2)(a) and 111(1)	17 January 2017	S.S.I. 2016/426
Section 112	1 July 2016	S.S.I. 2016/199
Schedule 1	25 January 2018	S.S.I. 2017/345
Schedule 2	25 January 2018	S.S.I. 2017/345