

SCHEDULE 2

Article 26

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

Light Railways Act 1896

1. In section 26(5) of the Light Railways Act 1896 (application to Scotland)(1), omit “or police commissioners.”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

2. In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments under Part 5 of the Act may be made, and paying authorities)(2)—

(a) after the entry numbered 4 insert—

“4A. Employee of the Scottish Police Authority	The Scottish Police Authority.”
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(b) after the entry numbered 5 insert—

“5A. Employee of the Scottish Fire and Rescue Service	The Scottish Fire and Rescue Service.”
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Superannuation (Miscellaneous Provisions) Act 1967

3. In section 13 of the Superannuation (Miscellaneous Provisions) Act 1967 (pensions of police cadets)(3), omit subsection (3).

Police (Scotland) Act 1967

4. In the Police (Scotland) Act 1967 omit—

- (a) section 26(2)(k) (special constables’ pensions)(4);
- (b) section 27 (regulations for police cadets) insofar as not already repealed(5);
- (c) section 32A (grants for expenditure on safeguarding national security)(6); and

(1) 1896 c.48. Section 26(5) was amended by the Local Government (Scotland) Act 1947 (c.43), Schedule 14. There are other amendments to the section not relevant to this Order.

(2) 1951 c.65. There are other amendments to Schedule 2 not relevant to this Order.

(3) 1967 c.28. Section 13(3) was amended by the Police (Scotland) Act 1967 (c.77), Schedule 4 and by the Police Act 1996 (c.16), Schedule 7, paragraph 13.

(4) 1967 c.77. Section 26(2) was amended by the Police and Magistrates’ Courts Act 1994 (c.29), section 52(2) and Schedule 9, paragraph 1 and the Police Act 1996 (c.16), Schedule 7, paragraph 14(2).

(5) Section 27 was amended by the Police Act 1969 (c.63), section 4(8) and the Police Act 1997 (c.50), Schedule 9, paragraph 9.

(6) Section 32A was inserted by the Police and Magistrates’ Courts Act 1994 (c.29), section 56 and was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 71(14) and by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers) Order 1999 (S.I. 1999/1750), Schedule 5, paragraph 2(2). Functions under section 32A were transferred to the Scottish Ministers by article 3 of S.I. 1999/1750 and were exercisable concurrently with the Secretary of State.

(d) section 42 (causing disaffection)(7).

Firearms Act 1968

5.—(1) The Firearms Act 1968 is modified as follows.

(2) In section 42B(2) (permitted electronic means)(8), for paragraph (c) substitute—

“(c) the chief constable of the Police Service of Scotland, and”.

(3) In section 54(3) (application of Parts I and II to Crown Servants)(9), omit paragraph (d).

(4) In section 57(4) (interpretation), in paragraph (b) of the definition of “civilian officer”(10), for “person” to second “police” substitute “member of police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012”.

(5) In paragraph 5 of Schedule 1 (offences to which section 17(2) applies)(11), for “section 41” to “duty” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police)”.

(6) In paragraph 18 of Schedule 2 (offences to which sections 17(2) and 18 apply in Scotland), for “section” to “1967” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012.”.

Employers’ Liability (Compulsory Insurance) Act 1969

6. In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance)(12), after “Metropolis” insert “, the Scottish Police Authority and the Scottish Fire and Rescue Service”.

Pensions (Increase) Act 1971

7.—(1) Schedule 2 to the Pensions (Increase) Act 1971(13) (official pensions) is modified as follows.

(2) In paragraph 15—

(a) in sub-paragraph (b)—

(i) after “1996” insert “had effect”;

(ii) for “section 38A of the Police (Scotland) Act 1967 had effect” substitute “being temporary service outwith the Police Service of Scotland pursuant to section 15 of the Police and Fire Reform (Scotland) Act 2012”;

(7) Section 42 was modified by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 9, Part 1, paragraph 1, the Anti-terrorism, Crime and Security Act 2001 (c.24), Schedule 7, paragraph 5(3), the Railways and Transport Safety Act 2003 (c.20), Schedule 5, paragraph 4 and the Energy Act 2004 (c.20), section 68(4).

(8) 1968 c.27. Section 42B was inserted by article 2 of the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713).

(9) Section 54(3) was substituted by the Police and Magistrates’ Courts Act 1994 (c.29), section 42 and subsequently amended by the Police Act 1997 (c.50), Schedule 9, paragraph 18, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 18, the Policing and Crime Act 2009 (c.26), section 110 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 90. There are other amendments to section 54 not relevant to this Order.

(10) The definition of “civilian officer” was added by the Firearms (Amendment) Act 1997 (c.5), section 43(2) and amended by the Greater London Authority Act 1999 (c.29), Schedule 34, Part VII and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 91 and modified by S.I. 2011/3019, Schedule 2, paragraph 22. There are other amendments to section 57 not relevant to this Order.

(11) Paragraph 5 of Schedule 1 was amended by the Police Act 1996 (c.16), Schedule 7, paragraph 16.

(12) 1969 c.57. Section 3(2)(b) was amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 92. There are other amendments to that paragraph not relevant to this Order.

(13) 1971 c.56. Schedule 2 was amended by the Police Pensions Act 1976 (c.35), Schedule 2, paragraph 8, the Police and Magistrates’ Courts Act 1994 Act (c.29), Schedule 5, paragraph 17, the Police Act 1996 (c.16), Schedule 7, paragraph 18 and the International Development Act 2002 (c.1), Schedule 3, paragraph 4. There are other amendments to this Schedule not relevant to this Order.

- (b) in sub-paragraph (ba), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “was engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
 - (c) in sub-paragraph (c), for “the Police (Scotland) Act 1967” substitute “Chapter 11 of Part 1 of the Police and Fire Reform (Scotland) Act 2012”;
 - (d) in sub-paragraph (d), omit paragraph (ii); and
 - (e) after sub-paragraph (d) insert—
 - “; or
 - (e) was a constable of the Police Service of Scotland—
 - (i) serving as a staff officer of the inspectors of constabulary in accordance with arrangements made under section 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012; or
 - (ii) engaged on service under the Crown, with the consent of the chief constable of the Police Service of Scotland, in connection with research or other services connected with the police provided by the Scottish Ministers.”.
- (3) In paragraph 43, for sub-paragraph (c) substitute—
- “(c) section 48 of the Police and Fire Reform (Scotland) Act 2012, as extended by article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.”.

Superannuation Act 1972

- 8.**—(1) The Superannuation Act 1972 is modified as follows.
- (2) In section 15(5) (members of police forces, special constables and police cadets)(**14**)—
- (a) after sub-paragraph (b) insert—
 - “or
 - (ba) regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012, as extended by article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (special constables and police cadets),”; and
 - (b) omit sub-paragraphs (c) and (d).
- (3) In Schedule 1 (kinds of employment), for the entry “Employment by the Police Complaints Commissioner for Scotland”(15) substitute “Employment by the Police Investigations and Review Commissioner”.

Overseas Pensions Act 1973

- 9.** In section 2 of the Overseas Pensions Act 1973 (superannuation schemes as respects certain overseas service by constables)(16)—
- (a) in subsection (2)(d) , for sub-paragraph (ii), substitute—

(14) 1972 c.11. Section 15 has been amended by the Police Pensions Act 1976 (c.35), Schedule 3 and the Police Act 1996 (c.16), Schedule 7, paragraph 19.

(15) This entry was added by the *Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2008 (S.I. 2008/1891)*, article 2. There are other amendments to Schedule 1 not relevant to this Order.

(16) 1973 c.21. Section 2(2)(d)(ii) was amended by the International Development Act 2002 (c.1), Schedule 3, paragraph 5. There are other amendments to this section not relevant to this Order.

- “(ii) a constable of the Police Service of Scotland engaged on temporary service of any of the kinds listed in subsection (2A), or”; and
- (b) after that subsection, insert—
- “(2A) The reference to temporary service in subsection (2)(d)(ii) is to any of the following kinds of temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
- (a) service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom;
 - (b) service the expenses of which are payable under section 1(1) of the Police (Overseas Service) Act 1945⁽¹⁷⁾ with the consent of the chief constable of the Police Service of Scotland;
 - (c) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980⁽¹⁸⁾ with the consent of the chief constable of the Police Service of Scotland; or
 - (d) service pursuant to appointment made in connection with the provision by the Secretary of State of assistance under the International Development Act 2002⁽¹⁹⁾

House of Commons Disqualification Act 1975

- 10.**—(1) The House of Commons Disqualification Act 1975 is modified as follows.
- (2) In section 1(3) (disqualification of holders of certain offices and places), in the definition of “police authority”⁽²⁰⁾, for “or the Police (Scotland) Act 1967” substitute “, the Scottish Police Authority”.
- (3) In Part 3 of Schedule 1 (offices disqualifying for membership), omit “Director General or Deputy Director General of the Scottish Crime and Drug Enforcement Agency.”⁽²¹⁾

Northern Ireland Assembly Disqualification Act 1975

- 11.** In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975, in the definition of “police authority”⁽²²⁾, for “or the Police (Scotland) Act 1967” substitute “, the Scottish Police Authority”.

Police Pensions Act 1976

- 12.**—(1) The Police Pensions Act 1976 is modified as follows.
- (2) Section 7(2) (payment of pensions and contributions) is modified as follows—

⁽¹⁷⁾ 1945 c.17.

⁽¹⁸⁾ 1980 c.63. Section 10 is repealed subject to savings by the International Development Act 2002 (c.1), Schedule 5, paragraph 3.

⁽¹⁹⁾ 2002 c.1.

⁽²⁰⁾ 1975 c.24. The definition of “police authority” was amended by the Police Act 1996 (c.16), Schedule 7, paragraph 24 and the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 3. There are other amendments to section 1 not relevant to this Order.

⁽²¹⁾ This entry was added by the House of Commons Disqualification Order 2010 (S.I. 2010/762), Schedule, paragraph 10. There are other amendments to Schedule 1 not relevant to this Order.

⁽²²⁾ 1975 c.25. The definition of “police authority” has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 25 and the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 4. There are other amendments to section 1 not relevant to this Order.

- (a) in paragraph (ba), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
 - (b) in paragraph (bb)(**23**), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;
 - (c) for paragraph (cg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**24**), substitute—
 - “(cfa) a constable of the Police Service of Scotland engaged on any of the following kinds of temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
 - (i) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
 - (ii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
 - (iii) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002(**25**);
 - (iv) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002(**26**);
 - (v) service as a member of staff of SOCA; or
 - (vi) service in the Police Service of Northern Ireland;
 - (cfb) a person (other than a constable of the Police Service of Scotland) who—
 - (i) is serving as member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012; and
 - (ii) immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above”; and
 - (d) omit paragraphs (ch), (ci), (cj) and (ck), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**27**).
- (3) In section 11 (interpretation)—
- (a) in subsection (1)—
 - (i) in paragraph (aa), for “section 12A(2) of the Police (Scotland) Act 1967” substitute “engaged on temporary service in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012 with any person engaged in activity outwith the United Kingdom”;
 - (ii) in paragraph (ab)(**28**), omit the words “or, as the case may be, section 38A of the Police (Scotland) Act 1967”;

(23) 1976 c.35. Paragraphs (ba) and (bb) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 19 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 29.

(24) S.I. 2007/1098.

(25) 2002 c.29.

(26) 2002 c.30.

(27) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(2).

(28) Paragraphs (aa) and (ab) were inserted by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20 and amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30.

- (iii) for paragraph (bg), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(29), substitute—
- “(bfa) any of the following kinds of temporary service by a constable of the Police Service of Scotland in pursuance of section 15 of the Police and Fire Reform (Scotland) Act 2012—
- (i) service as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012;
 - (ii) service in accordance with section 72(1)(b) or 73(1)(b) of the Police and Fire Reform (Scotland) Act 2012 as an assistant inspector of constabulary or, as the case may be, as a staff officer of the inspectors of constabulary;
 - (iii) service under the Crown in connection with research or other services connected with the police provided by the Scottish Ministers;
 - (iv) service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002;
 - (v) service in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002;
 - (vi) service as a member of staff of SOCA; or
 - (vii) service in the Police Service of Northern Ireland;
- (bfb) service by a person (other than a constable of the Police Service of Scotland) as a member of the Scottish Police Authority’s staff in accordance with arrangements made under paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012 who, immediately before beginning such service, is or is eligible to be a member of a pension scheme provided for under section 1 above;”;
- (iv) omit sub-paragraphs (bh), (bi), (bj) and (bk), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007; and
- (v) in sub-paragraph (c), omit the words from “or (as the case may be) section 38A of the Police (Scotland) Act 1967”;
- (b) in subsection (2)(30)—
- (i) in the definition of “police pension authority”, for paragraph (d) substitute—
“(d) the Scottish Police Authority;”;
 - (ii) in the definition of “pension supervising authority”, for paragraph (b) substitute—
“(b) the Scottish Police Authority.”;
- (c) in subsection (2A)(31)—
- (i) in paragraph (b), after “(b),” insert “(bfa)(vii),”;

(29) S.I. 2007/1098, Schedule 1, Part 1, paragraph 2(3)(a).

(30) Subsection (2) was inserted by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 132 and modified by S.I. 2011/3019, Schedule 2, paragraph 41.

(31) Subsection (2) was renumbered to subsection (2A) and amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 2, paragraph 41.

- (ii) in paragraph (ba), for “section 38A(1)(aa) of the Police (Scotland) Act 1967 (c.77)” substitute “mentioned in subsection (1)(bfa)(v) above”;
- (iii) in paragraph (c), for “section 38A(1)(bc) of the Police (Scotland) Act 1967” substitute “mentioned in subsection (1)(bfa)(vi)”;
- (iv) omit paragraph (g);
- (v) after paragraph (i)(32) insert—
 - “; and
 - (j) in relation to any service such as is mentioned in subsection (1)(bfa)(ii), (iii) or (iv), “police pension authority” and “pension supervising authority” means the Scottish Ministers.”;
- (d) in subsection (3)(33)—
 - (i) for “Police (Scotland) Act 1967” substitute “Police Service of Scotland”;
 - (ii) in paragraph (b) for “(bg), (bh), (bi), (bj), (bk),” substitute “(bfa), (bfb)”;
- (e) in subsection (5)(34), in the definition of “central service”, omit paragraph (b) and the words “(as the case may require)” which immediately follow that paragraph.

Bail Act 1976

13. In section 8(6) of the Bail Act 1976 (bail with sureties)(35), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

Criminal Law Act 1977

14. In section 38A(2) of the Criminal Law Act 1977 (execution in different parts of the United Kingdom of warrants for imprisonment for non-payment of fine)(36), for “appointed for a police area” substitute “of the Police Service of Scotland”.

Interpretation Act 1978

- 15.—**(1) The Interpretation Act 1978 is modified as follows.
- (2) In Schedule 1 (words and expressions defined)—
 - (a) in the entry that begins “Police area,”, omit paragraph (b); and
 - (b) omit the entry for “Police authority”.
 - (3) In Schedule 1(37), at the end insert the following heading and entry—

(32) Paragraph (i) was inserted into section 11(2A) of the Police Pensions Act 1976 (c.35) by S.I. 2012/2954, article 2(3)(c).

(33) Subsection (3) has been amended by the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 5, paragraph 20(4)(a) and (b), the Police Act 1996 (c.16), Schedule 7, paragraph 30(2)(c), the Criminal Justice and Police Act 2001 (c.16), section 126(4), the Police and Justice Act 2006 (c.48), Schedule 15, paragraphs 1 and 59 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 2, S.I. 2010/899, article 2(3)(c)(i) and (ii).

(34) Subsection (5) has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 30(5), the Police Act 1997 (c.50), Schedule 9, paragraph 33, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 31 and the Police and Justice Act 2006 (c.48), Schedule 15, paragraph 1.

(35) 1976 c.63.

(36) 1977 c.45. Section 38A was inserted by Criminal Justice (Scotland) Act 1980 (c. 62), section 51. There are amendments to section 38A not relevant to this Order.

(37) 1978 c.30. Schedule 1 has been amended by the Police Act 1996 (c.16), Schedule 7, paragraph 32 and by the Police Reform and Social Responsibility Act 2011 (c.13), section 97. There are other amendments to Schedule 1 not relevant to this Order.

“Construction of certain expressions relating to the police: Scotland

In relation to Scotland—

- (a) references to a police force include references to the Police Service of Scotland;
- (b) references to a chief officer of police include references to the chief constable of the Police Service of Scotland;
- (c) “police authority” means the Scottish Police Authority;
- (d) the “police area” of the Police Service of Scotland is Scotland and references to a police force or police authority for any area include references to the Police Service of Scotland or, as the case may be, the Scottish Police Authority;
- (e) references to a constable or chief constable of, or appointed for, any area are to be construed as references to a constable or, as the case may be, the chief constable of, or appointed for, the Police Service of Scotland.”.

(4) In paragraph 6 of Schedule 2 (application to existing enactments)(**38**), for the entry that begins “Police area” substitute—

“in relation to Scotland, expressions relating to the police;”.

Finance Act 1981

16. In section 107(3)(k) of the Finance Act 1981 (sale of houses at discount by local authorities etc.)(**39**), for “or a police authority” to “1967” substitute “the Scottish Police Authority”.

Civil Aviation Act 1982

17. In section 57(4) of the Civil Aviation Act 1982 (power to appoint special constables)(**40**), for “section 16 of the Police (Scotland) Act 1967” substitute “section 10 of the Police and Fire Reform (Scotland) Act 2012”.

Aviation Security Act 1982

18.—(1) The Aviation Security Act 1982 is modified as follows.

(2) In section 24AT(7)(**41**) (interpretation)—

- (a) in paragraph (a), for “police force for that area” substitute “Police Service of Scotland”; and
- (b) in paragraph (b), omit from “, where” to “(c.77),” and for second “that” to second “board” substitute “the Scottish Police Authority”.

(3) In section 31(2) (interpretation and application of Part III to Scotland and Northern Ireland)(**42**)—

- (a) in paragraph (a), for “police force for that area, and” substitute “Police Service of Scotland,”; and

(**38**) There are amendments to paragraph 6 of Schedule 2 not relevant to this Order.

(**39**) [1981 c.35](#). Section 107(3)(k) has been amended by the Police Act [1996 \(c.16\)](#), Schedule 7, paragraph 33, the Police (Northern Ireland) Act [2000 \(c.32\)](#), Schedule 6, paragraph 7 and the Police Reform and Social Responsibility Act [2011 \(c.13\)](#), Schedule 16, paragraph 145. There are other amendments to section 107 not relevant to this Order.

(**40**) [1982 c.16](#).

(**41**) [1982 c.36](#). Section 24AT was inserted by the Policing and Crime Act [2009 \(c.26\)](#), section 79 and has been amended by the Police Reform and Social Responsibility Act [2011 \(c.13\)](#), Schedule 16, paragraph 148.

(**42**) Section 31(2) was substituted by the Policing and Crime Act [2009 \(c.26\)](#), Schedule 6, paragraph 14(7). There are other amendments to section 31 not relevant to this Order.

- (b) in paragraph (b), omit “, where” to “(c.77),” and for second “that” to second “board” substitute “the Scottish Police Authority”; and
- (c) at the end of paragraph (b), insert—
 - “, and
 - (c) references in any provision to the police force for a police area are to be construed as references to the Police Service of Scotland.”.

Police and Criminal Evidence Act 1984

19. In section 63A(1B) of the Police and Criminal Evidence Act 1984 (fingerprints and samples: supplementary provisions)(**43**), for paragraph (d) substitute—

“(d) the Police Service of Scotland;”.

Ministry of Defence Police Act 1987

20.—(1) The Ministry of Defence Police Act 1987 is modified as follows.

(2) In section 1(2)(b) (the Ministry of Defence Police)(**44**) for first “person” to the end substitute “constable of the Police Service of Scotland by section 10 of the Police and Fire Reform (Scotland) Act 2012 before a sheriff or justice of the peace”.

(3) In section 2 (jurisdiction)—

(a) in subsection (3A)(**45**), after paragraph (a) insert—

“(aa) the Police Service of Scotland;”;

(b) in subsection (3B)(**46**), after paragraph (a) insert—

“(aa) if it was made under paragraph (aa) of that subsection, only in Scotland;”;

(c) in subsection (3C), after second “area,” insert “in Scotland the same powers and privileges as constables of the Police Service of Scotland.”.

(4) In section 2A(4) (provision of assistance to other forces)(**47**)—

(a) in the definition of “chief officer”, after paragraph (a) insert—

“(aa) the chief constable of the Police Service of Scotland;”;

(b) in the definition of “relevant force”, after paragraph (a) insert—

“(aa) the Police Service of Scotland;”.

(5) In section 2B(3) (constables serving with other forces)(**48**)—

(a) in the definition of “chief officer”—

(i) in paragraph (a), for “Great Britain” substitute “England and Wales”; and

(ii) after that paragraph insert—

(43) 1984 c.60. Section 63A was inserted by the Criminal Justice and Public Order Act 1994 (c.33), section 56. Subsection (1B) was inserted by the Criminal Justice and Police Act 2001 (c.16), section 81 and amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 4, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 100 and Schedule 17. There are other amendments to section 63A not relevant to this Order.

(44) 1987 c.4. There are amendments to this section not relevant to this Order.

(45) Subsection (3A), (3B) and (3C) were inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 98. There are amendments to subsection (3A) not relevant to this Order.

(46) There are amendments to subsection (3B) not relevant to this Order.

(47) Section 2A was inserted by the Anti-terrorism, Crime and Security Act 2001 (c.24), section 99. Section 2A(4) has been amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 5 and Schedule 23.

(48) Section 2B was inserted by the Police Reform Act 2002 (c.30), section 78. Section 2B(3) has been amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 5 and Schedule 23 and the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 49.

- “(aa) the chief constable of the Police Service of Scotland;” and
- (b) in the definition of “relevant force”—
- (i) in paragraph (a), for “Great Britain” substitute “England and Wales”; and
- (ii) after that paragraph insert—
- “(aa) the Police Service of Scotland;”.

(6) In section 4A(1)(b) (appeals against dismissal etc)(**49**) for “Police (Scotland) Act 1967 (c.77)” substitute “Police and Fire Reform (Scotland) Act 2012”.

(7) In section 4B(6) (functions of inspectors of constabulary)(**50**), in the definition of “the Scottish inspectors”, for “33 of the Police (Scotland) Act 1967 (c.77)” substitute “71 of the Police and Fire Reform (Scotland) Act 2012”.

Firearms (Amendment) Act 1988

21. In section 18B(2) of the Firearms (Amendment) Act 1988 (permitted electronic means)(**51**), for paragraph (c) substitute—

- “(c) the chief constable of the Police Service of Scotland, and”.

Road Traffic Act 1988

22.—(1) The Road Traffic Act 1988 is modified as follows.

(2) In section 67(4)(f)(**52**) (testing of condition of vehicles on roads), omit “for a police area”.

(3) In section 144(2) (exceptions from requirement of third-party insurance or security)(**53**), in paragraph (a)(ii) after the second “Scotland” insert “or the Scottish Fire and Rescue Service”.

Road Traffic Offenders Act 1988

23. In section 89(1) of the Road Traffic Offenders Act 1988 (interpretation), in the definition of “chief constable”(b) for “for” to “issued” substitute “of the Police Service of Scotland”.

Road Traffic Act 1991

24. In paragraphs 1(6)(b) and 2(6) of Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London)(b), for paragraph (a) substitute—

- “(a) the chief constable of the Police Service of Scotland; and”.

(49) Section 4A was inserted by the Police Reform Act 2002 (c.30), section 79(2) and substituted by the Criminal Justice and Immigration Act 2008 (c.4), Schedule 22, paragraph 16.

(50) Section 4B was inserted by the Police Reform Act 2002 (c.30), section 80.

(51) 1988 c.45. Section 18B was inserted by the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), article 3(4).

(52) 1988 c.52. Section 67(4)(f) has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 194.

(53) Section 144(2)(a)(ii) has been amended by the Local Government etc. (Scotland) Act 1994 (c.39) Schedule 13, paragraph 159(8). There are other amendments to section 144(2) not relevant to this Order.

(54) 1988 c.53. The definition of “chief constable” was inserted by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 107. There are other amendments to section 89 not relevant to this Order.

(55) 1991 c.40. Paragraph 1 is relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 171 and S.I. 1998/2018, article 2.

(56) Paragraph 2 is relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 171, S.I. 1998/2018, S.I. 1999/61, article 2(2) and S.I. 2003/508, article 2. Paragraphs 1 and 2 of Schedule 3 to the Road Traffic Act 1991 are repealed as respects England and Wales by the Traffic Management Act 2004 (c.18), Schedule 12, paragraph 1.

Police Act 1996

25.—(1) The Police Act 1996 is modified as follows.

(2) In section 63 (Police Advisory Boards for England and Wales and for Scotland)(**57**) for the section title substitute “Police Advisory Board for England and Wales”.

(3) In section 89(3) (assaults on constables) for “a police force maintained in Scotland” substitute “the Police Service of Scotland”.

(4) In section 97(1) (police officers engaged on service outside their force)(**58**) omit paragraphs (ch) and (ci), as inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**59**).

(5) In section 98 (cross-border aid of one police force by another)(**60**)—

- (a) in subsection (1), for “the chief officer of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (b) in subsection (2), for “The chief officer of a police force in Scotland” substitute “The chief constable of the Police Service of Scotland”;
- (c) in subsection (3), for “the chief officer of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (d) in subsection (4), for “the chief officer of any police force in Scotland” substitute “the chief constable of the Police Service of Scotland”;
- (e) in subsection (5)(a)—
 - (i) for “a police force in Scotland” substitute “the Police Service of Scotland”;
 - (ii) for “its chief officer” substitute “the chief constable of that Service”; and
 - (iii) omit “or the chief constable of the Police Service of Northern Ireland respectively”;
- (f) in subsection (6B), for “a police authority in Scotland” substitute “the Scottish Police Authority”; and
- (g) in subsection (7), for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

Firearms (Amendment) Act 1997

26. In section 35A(2) of the Firearms (Amendment) Act 1997 (permitted electronic means)(**61**) for paragraph (c) substitute—

“(c) the chief constable of the Police Service of Scotland, and”.

(57) 1996 c.16. Section 63 has been amended by the 2012 Act, section 97. There are other amendments to section 63 not relevant to this Order.

(58) Section 97(1) has also been amended by the Police Act 1997 (c.50), Schedule 9, paragraph 86, the Police (Northern Ireland) Act 1998 (c.32), Schedule 4, paragraph 20, the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 12, the Criminal Justice and Police Act 2001 (c.16), Schedule 4, paragraph 7, the International Development Act 2002 (c.1), Schedule 3, paragraph 11 and Schedule 4, the Police Reform Act 2002 (c.30), Schedule 7, paragraph 19, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 82 and Schedule 17, the Safeguarding Vulnerable Groups Act 2006 (c.47), Schedule 9, paragraph 13, the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 72 and Schedule 15, the Serious Crime Act 2007, Schedule 8 and Schedule 14. There are other amendments to section 97 not relevant to this Order.

(59) S.I. 2007/1098, Schedule 1, Part 1, paragraph 3(3)(a).

(60) Section 98 has been amended by the Police Act 1997 (c.50), Schedule 9, paragraph 87, Schedule 10, the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 12, the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 83 and Schedule 17 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 45.

(61) 1997 c.5. Section 35A was inserted by the Firearms (Electronic Communications) Order 2011 (S.I. 2011/713), article 4.

The Police (Health and Safety) Act 1997

27. In section 5(3) of the Police (Health and Safety) Act 1997 (payment of damages, compensation and fines out of certain funds)(**62**)—

(a) in the definition of “the relevant authority”, for paragraph (b) substitute—

“(b) in relation to the chief constable of the Police Service of Scotland, the Scottish Police Authority, and”;

(b) in the definition of “the relevant fund”—

(i) in paragraph (a), after first “police”, insert “in England and Wales”;

(ii) after that paragraph, insert—

“(aa) in relation to the chief constable of the Police Service of Scotland, money provided by the Scottish Police Authority, and”; and

(c) in the definition of “the responsible officer”—

(i) in paragraph (a), after “police area”, insert “in England and Wales”; and

(ii) after that paragraph insert—

“(aa) in relation to the Police Service of Scotland (including police cadets appointed under section 25 of the Police and Fire Reform (Scotland) Act 2012), the chief constable of that Service, and”.

Data Protection Act 1998

28. In section 56(6) of the Data Protection Act 1998 (prohibition of requirement as to production of certain records)(**63**), in the first entry in the first column of the Table, for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland.”.

Police (Northern Ireland) Act 1998

29.—(1) The Police (Northern Ireland) Act 1998 is modified as follows.

(2) In section 73(4) (interpretation)(**64**), for “Police (Scotland) Act 1967” substitute “Police Service of Scotland (and references to the chief officer of a police force in Great Britain include the chief constable of that Service)”.

(3) In paragraph 8(9) of Schedule 3, for “any” to the end substitute “the reference to “police authority” is to the Scottish Police Authority”.

Crime and Disorder Act 1998

30. In section 115(2) of the Crime and Disorder Act 1998 (disclosure of information)(**65**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

(62) 1997 c.42. Section 5(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 93 and Schedule 17 and by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 225.

(63) 1998 c.29. There are amendments to section 56(6) not relevant to this Order.

(64) 1998 c.32. Section 73 was substituted by the Police (Northern Ireland) Act 2000 (c.32), Schedule 6, paragraph 23.

(65) 1998 c.37. There are amendments to section 115(2) not relevant to this Order.

Immigration and Asylum Act 1999

31. In section 20(4) of the Immigration and Asylum Act 1999 (supply of information to Secretary of State)(**66**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

Terrorism Act 2000

32.—(1) The Terrorism Act 2000(**67**) is modified as follows.

(2) In section 48 (authorisations)—

(a) in subsection (3)(a) for “outside Northern Ireland” substitute “in England and Wales”; and

(b) after subsection (3)(c) insert—

“(ca) where the road specified is in Scotland, by a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;”.

(3) In paragraph 23(6)(a) of Schedule 4 (restraint orders) for “out of the police fund out of which the expenses of that police force are met” substitute “by the Scottish Police Authority”.

(4) In paragraph 14(1) of Schedule 6B (searches in specified areas or places: supplementary)(**68**) in the definition of “senior police officer”—

(a) in paragraph (a) for “outside Northern Ireland” substitute “in England and Wales”; and

(b) after paragraph (c) insert—

“(ca) in relation to an authorisation where the specified area or place is the whole or part of Scotland, a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;”.

Regulation of Investigatory Powers Act 2000

33.—(1) The 2000 Act(**69**) is modified as follows.

(2) In section 6(2)(**70**) (application for issue of an interception warrant)—

(a) omit paragraph (da)(**71**); and

(b) in paragraph (g), for the words from “any” to the end, substitute “the Police Service of Scotland”.

(3) In section 17(3) (exclusion of matters from legal proceedings)(**72**), omit paragraph (ca).

(4) In section 19(2) (offence for unauthorised disclosures)(**73**), omit paragraph (ca).

(5) In section 22 (obtaining and disclosing communications data)(**74**)—

(a) omit subsections (3E) to (3H);

(66) 1999 c.33.

(67) 2000 c.11.

(68) Schedule 6B was inserted by the Protection of Freedoms Act 2012 (c.9), Schedule 5, paragraph 1.

(69) 2000 c.23.

(70) Section 6(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 132(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 6 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(71) Paragraph (da) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(2).

(72) Section 17(3) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 133(1), the Policing and Crime Act 2009 (c.26), section 100(2) and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(3).

(73) Section 19(2) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 134(1); and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(4).

(74) Section 22 was amended by the Policing and Crime Act 2009 (c.26), section 7(2) and Schedule 7, paragraph 13 and the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 7.

- (b) in subsection (3I), for “Subsections (3B) and (3F) are” substitute “Subsection (3B) is”; and
- (c) in subsection (5), for “, (3B) or (3F)” substitute “or (3B)”.
- (6) In section 23 (form and duration of authorisations and notices)(**75**)—
- (a) in subsection (1), for “, (3B) or (3F)” substitute “or (3B)”;
- (b) in subsection (2A), for “, (3B) or (3F)” substitute “or (3B)”;
- (c) in subsection (3), for “subsections (3A) and (3D)” substitute “subsection (3A)”;
- (d) omit subsections (3D) to (3F); and
- (e) in each of subsections (4), (5) and (6), for “, (3B) or (3F)” substitute “or (3B)”.
- (7) In section 23A (authorisations requiring judicial approval)(**76**) in subsections (1)(a) and (3), for “, (3B) or (3F)”, in both places, substitute “or (3B)”.
- (8) In section 25(1) (interpretation of Chapter II)(**77**), in the definition of “relevant public authority”, omit paragraph (ca).
- (9) In section 29 (authorisation of covert human intelligence sources)(**78**)—
- (a) in subsection (2)(c), omit sub-paragraph (ii);
- (b) in subsection (2A), omit paragraph (b) and the word “and” which precedes it;
- (c) omit subsections (4B) and (7B); and
- (d) in subsection (10), omit paragraph (b) and the word “and” which precedes it.
- (10) In section 32(6)(d) (authorisation of intrusive surveillance), for the words from “every” to the end, substitute “the Police Service of Scotland”;
- (11) In section 33 (rules for grant of authorisations)(**79**)—
- (a) in subsection (1), for “subsections (1ZB) and (1ZE)” substitute “subsection (1ZB)”;
- (b) omit subsections (1ZD) to (1ZF) and (1B);
- (c) in subsection (3), for “subsections (3ZB) and (3ZE)” substitute “subsection (3ZB)”;
- (d) omit subsections (3ZD) to (3ZF);
- (e) in subsection (5)(a), omit “or a member of the Scottish Crime and Drug Enforcement Agency”;
- (f) omit subsection (5B); and
- (g) in subsection (6)—
- (i) in paragraph (a)—
- (aa) after second “force” insert “or”;
- (bb) omit from first “or” to “1967”; and
- (ii) after paragraph (a) insert—
- “(aa) the area of operation of the Police Service of Scotland is Scotland;”.

(75) Section 23 was amended by the Policing and Crime Act 2009 (c.26), section 7 and Schedule 7, paragraph 14.

(76) Section 23(2A) was inserted by the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 8.

(77) Section 25(1) is relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 135(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 8 and paragraph (ca) was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(5).

(78) Section 29 was amended by the Policing and Crime Act 2009 (c.26), section 8.

(79) Section 33 was amended by the Enterprise Act 2002 (c.40), section 199; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 137 and Schedule 17, paragraph 1; the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 171(2), the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 11, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(6) and the Policing and Crime Act 2009 (c.26), section 9.

- (12) In section 34 (grant of authorisations in the senior officer’s absence)(**80**)—
- (a) in subsection (4)(d), for the words from second “a” to the end, substitute “the Police Service of Scotland if he holds the rank of deputy or assistant chief constable of the Police Service of Scotland”; and
 - (b) in subsection (6)(aa), for the words from “for” to the end of that paragraph substitute “of the Police Service of Scotland, means the deputy chief constable designated under section 18(3) of the Police and Fire Reform (Scotland) Act 2012;”.
- (13) In section 36(7)(a) (approval required for authorisations to take effect), for sub-paragraph (iii) substitute—
- “(iii) the chief constable of the Police Service of Scotland,”.
- (14) In section 45(6) (cancellation of authorisations)(**81**)—
- (a) in paragraph (a), for sub-paragraph (iii) substitute—
“(iii) the chief constable of the Police Service of Scotland,”;
 - (b) after paragraph (b) insert “and”; and
 - (c) omit paragraph (ca) and the word “and” which precedes it.
- (15) In section 49(1) (notices requiring disclosure)(**82**)—
- (a) in paragraph (c), for “, (3B) or (3F)” substitute “or (3B)”; and
 - (b) in paragraph (e), omit “, SCDEA” (in both places).
- (16) In section 51 (cases in which key required)(**83**)—
- (a) in subsection (2)—
 - (i) omit first “SCDEA,”; and
 - (ii) omit paragraph (ab);
 - (b) in subsection (3), omit “the Director General of the Scottish Crime and Drug Enforcement Agency,”; and
 - (c) in subsection (6), omit “by the Director General of the Scottish Crime and Drug Enforcement Agency,”.
- (17) In section 54(3) (tipping-off)(**84**), omit “SCDEA,” in paragraphs (a) and (b).
- (18) In section 55 (general duties of specified authorities)(**85**)—
- (a) in subsection (1), omit paragraph (bb); and
 - (b) omit subsection (3B).

(80) Section 34 is amended by the Enterprise Act 2002 (c.40), section 1990; the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 138 and Schedule 17, paragraph 1, the Police and Justice Act 2006 (c.48), Schedule 14, paragraph 39, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 172 and the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 12.

(81) Section 45(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(7).

(82) Section 49(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 145, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 19, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(8) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 15.

(83) Section 51 was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 146, the Serious Crime Act 2006 (c.27), Schedule 12, paragraph 20 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(9).

(84) Section 54(3) is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 147, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 21 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(10).

(85) Section 55 is amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 148, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 22 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(11).

- (19) In section 56(1) (interpretation of Part III)(**86**)—
- (a) in the definition of “chief officer of police”—
 - (i) in paragraph (a), omit “or section 1 of the Police (Scotland) Act 1967”; and
 - (ii) after paragraph (c) insert—
 - “(ca) the chief constable of the Police Service of Scotland;”;
 - (b) in the definition of “the police”, in paragraph (a), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”; and
 - (c) omit the definition of “SCDEA”.
- (20) In section 58(1) (co-operation with and reports by s.57 Commissioner)(**87**)—
- (a) omit paragraph (ba); and
 - (b) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (21) In section 65(6) (the Tribunal)(**88**)—
- (a) after paragraph (c) insert—
 - “(ca) the Police Investigations and Review Commissioner;”;
 - (b) omit paragraph (da).
- (22) In section 68(7) (Tribunal procedure)(**89**)—
- (a) omit paragraph (ba);
 - (b) after paragraph (d) insert—
 - “(da) the Police Investigations and Review Commissioner and every member of the Commissioner’s staff;”;
 - (c) in paragraph (g), for “, (3B) or (3F)” substitute “or (3B)”.
- (23) In section 76A(11) (foreign surveillance operations)(**90**), in the definition of “United Kingdom officer”, omit paragraph (c).
- (24) In section 81(1) (general interpretation)(**91**), in the definition of “police force”, for paragraph (d) substitute—
- “(d) the Police Service of Scotland;”.
- (25) In Schedule 1 (relevant public authorities)(**92**), omit paragraph 2A.
- (26) In Schedule 2 (persons having the appropriate permission)(**93**)—
- (a) in paragraph 2(3) and (5), omit “, SCDEA”;
 - (b) in paragraph 4(2), omit “SCDEA,” (in every place);

(86) Section 56(1) was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1, the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 174, the Serious Crime Act 2007 (c.27), Schedule 14, paragraph 1 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(12).

(87) Section 58(1) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 150, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(13) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 16.

(88) Section 65(6) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 151, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 24 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(14).

(89) Section 68(7) was amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 152, S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(15) and the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 17.

(90) Section 76A(11) was inserted by the Crime (International Co-operation) Act 2003 (c.32), section 83 and amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 154, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 26 and the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), Schedule 6, paragraph 8.

(91) Section 81(1) was relevantly amended by the Armed Forces Act 2006 (c.52), Schedule 16, paragraph 175(2)(c).

(92) Paragraph 2A was inserted by S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(18).

(93) Schedule 2 was relevantly amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 156, the Serious Crime Act 2007 (c.27), Schedule 12, paragraph 29(1) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 4(19).

- (c) in paragraph 5(3)(b), omit “, SCDEA”; and
- (d) in paragraph 6—
 - (i) omit sub-paragraph (3B); and
 - (ii) in sub-paragraph (6), omit “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”.

Political Parties, Elections and Referendums Act 2000

34. In paragraph 28(1)(d) of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (disclosure of information)(**94**), for “a police force in Scotland” substitute “the Police Service of Scotland”.

Criminal Justice and Court Services Act 2000

- 35.** In section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records)—
- (a) in subsection (3), for “constables in police forces in Scotland” substitute “constables of the Police Service of Scotland”; and
 - (b) in subsection (4)(**95**), for paragraph (b) substitute—
 - “(b) police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012.”.

Vehicles Crime Act 2001

- 36.** In section 18(9) of the Vehicles Crime Act 2001 (register of registration plate suppliers)(**96**), for paragraph (b) substitute—
- “(b) police staff within the meaning of the Police and Fire Reform (Scotland) Act 2012, and”.

Anti-terrorism, Crime and Security Act 2001

- 37.**—(1) The Anti-terrorism, Crime and Security Act 2001(**97**) is modified as follows.
- (2) In section 74(1) (interpretation of Part 7) in the definition of “chief officer of police”—
- (a) in paragraph (a) for “Great Britain” substitute “England and Wales”; and
 - (b) after that paragraph insert—
 - “(aa) in relation to any premises in Scotland, the chief constable of the Police Service of Scotland; and”.
- (3) In section 100 (jurisdiction of transport police) after subsection (3) insert—
- “(3A) In the application of this section to Scotland—
 - (a) references to a “police area” are references to Scotland; and

(94) 2000 c.41. Schedule 19C was inserted by the Political Parties and Elections Act 2009 (c.12), Schedule 2. There are modifications to the Schedule not relevant to this Order.

(95) 2000 c.43. Subsection (4) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), section 123 and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 248. There are other amendments to section 71 not relevant to this Order.

(96) 2001 c.3. Subsection (9) was inserted by the Serious Organised Crime and Police Act 2005 (c.15), section 123(2) and has been amended by the Police Reform Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 275.

(97) 2001 c.24.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 No. 602*

(b) references to the “police force” for a police area are references to the Police Service of Scotland.”.

(4) In paragraph 10(7)(b) of Schedule 1 (forfeiture of terrorist cash) for “a police force” to the end substitute “the Police Service of Scotland, it is to be paid by the Scottish Police Authority,”.

Justice (Northern Ireland) Act 2002

38. In section 5A(5) of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Commission)(**98**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

Police Reform Act 2002

39.—(1) The Police Reform Act 2002(**99**) is modified as follows.

(2) In section 82 (Nationality requirements applicable to police officers etc.)(**100**)—

(a) in subsection (1)—

(i) in paragraph (a) omit “or Scotland”; and

(ii) after that paragraph insert—

“(aa) a constable of the Police Service of Scotland;”;

(b) at the end of subsection (2)(a), omit “or” and insert—

“(aa) the Police Service of Scotland; or”; and

(c) in subsection (3)(b) for “section 26” to the end substitute “section 48 of the Police and Fire Reform (Scotland) Act 2012 (governance and administration of police)”.

(3) Omit section 103(4) and (7) (liability in respect of members of teams).

(4) In paragraph 6(2)(b) of Schedule 2 (Independent Police Complaints Commission) for “any police force maintained for a police area in Scotland” substitute “the Police Service of Scotland”.

Finance Act 2003

40. In paragraph 1(3) of Schedule 9 to the Finance Act 2003 (right to buy transactions)(**101**), for “A police authority within the meaning of section 2(1) or 19(9)(b) of the Police Scotland Act 1967 (c.77)” substitute “The Scottish Police Authority”.

Railways and Transport Safety Act 2003

41.—(1) The Railways and Transport Safety Act 2003(**102**) is modified as follows.

(2) In section 24 (constables), for subsection (4) substitute—

“(4) Section 10 of the Police and Fire Reform (Scotland) Act 2012 (declaration) shall apply to a constable of the Police Force appointed in Scotland.”.

(3) In section 25 (special constables), for subsection (4) substitute—

(98) 2002 c.26. Section 5A was inserted by the Constitutional Reform Act 2005 (c.4), section 123(2).

(99) 2002 c.30.

(100) Section 82 is relevantly amended by the Energy Act 2004 (c.20), Schedule 14, paragraph 11(a) and the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1.

(101) 2003 c.14. There are amendments to paragraph 1(3) not relevant to this Order.

(102) 2003 c.20.

“(4) Section 10 of the Police and Fire Reform (Scotland) Act 2012 (declaration) shall apply to a special constable of the Police Force appointed in Scotland.”.

(4) In section 63(8)(a) (inspection) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

(5) In section 64(3) (action after adverse inspection report) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

(6) In section 67 (senior appointment: delegation of function) for “section 33 of the Police (Scotland) Act 1967 (c.77)” substitute “designated under section 71(3) of the Police and Fire Reform (Scotland) Act 2012”.

(7) In paragraph 7(2) of Schedule 4 (disqualification)(103), for paragraph (d) substitute—

“(d) is an employee of the Scottish Police Authority.”.

Crime (International Co-operation) Act 2003

42.—(1) The Crime (International Co-operation) Act 2003(104) is modified as follows.

(2) In section 18(2) (warrants in Scotland) for “section 39(6) of the Police (Scotland) Act 1967” substitute “section 99(1) of the Police and Fire Reform (Scotland) Act 2012”.

(3) In section 51(1) (general interpretation) in the definition of “chief officer of police”, in paragraph (a) for “for the police force maintained for that area” substitute “of the Police Service of Scotland”.

(4) In section 84(2) (assaults on foreign officers)—

(a) for “section 41 of the Police (Scotland) Act 1967 (c.77)” substitute “section 90 of the Police and Fire Reform (Scotland) Act 2012”; and

(b) for “so treated” substitute “treated as if he were acting in the capacity of a constable”.

Sexual Offences Act 2003

43. In sections 94(3)(a) (Part 2: supply of information to Secretary of State etc. for verification)(105) and 95(2)(a) (Part 2: supply of information by Secretary of State etc.)(106) of the Sexual Offences Act 2003 for “a chief constable” substitute “the chief constable of the Police Service of Scotland”.

Energy Act 2004

44.—(1) The Energy Act 2004 is modified as follows.

(2) In section 59(3) (members of constabulary serving with other forces)(107)—

(a) in the definition of “chief officer”—

(i) in paragraph (a) for “Great Britain” substitute “England and Wales”; and

(ii) after that paragraph insert—

(103) Paragraph 7(2) has been amended by the Police Reform and Social Responsibility Act (c.13), Schedule 16, paragraph 328.

(104) 2003 c.32.

(105) 2003 c.42. Section 94(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 194 and by the Police and Justice Act 2006 (c.48), Schedule 1, paragraph 90. There are other amendments to section 94 not relevant to this Order.

(106) Section 95(2) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraph 195. There are other amendments to section 95 not relevant to this Order.

(107) 2004 c.20. Section 59(3) has been amended by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 17, paragraph 1.

- “(aa) the chief constable of the Police Service of Scotland;”;
- (b) in the definition of “relevant force”—
 - (i) in paragraph (a) for “Great Britain” substitute “England and Wales”; and
 - (ii) after that paragraph insert—
 - “(aa) the Police Service of Scotland;”.

(3) In section 62(11) (inspection) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

(4) In sections 64(10)(a) (civil nuclear police federation) and 65(10)(a) (rank-related associations) for “Great Britain” substitute “England and Wales, of the Police Service of Scotland”.

(5) In section 66(4)(c) (representation at certain disciplinary proceedings), for “a police force” to the end substitute “the Police Service of Scotland”.

(6) In section 68 (application of offences etc. applying to constables)—

- (a) in subsection (1), omit “and section 41(1) and (2) of the Police (Scotland) Act 1967”; and
- (b) omit subsections (4), (5) and (6).

Constitutional Reform Act 2005

45. In section 107(5) of the Constitutional Reform Act 2005 (disclosure of information to the Commission)(**108**), for paragraph (b) substitute—

- “(b) the chief constable of the Police Service of Scotland;”.

Commissioner for Revenue and Customs Act 2005

46. In section 27 of the Commissioner for Revenue and Customs Act 2005 (inspection)(**109**)—

- (a) in subsection (2)(a)(ii) for “section 33 or 34 of the Police (Scotland) Act 1967 (c.77)” substitute “sections 71 to 73 of the Police and Fire Reform (Scotland) Act 2012”; and
- (b) in subsection (6)(a) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

Fire (Scotland) Act 2005

47. In section 16A(1) of the Fire (Scotland) Act 2005 (exercise of powers at sea)(**110**), for “a relevant authority” substitute “SFRS”.

Serious Organised Crime and Police Act 2005

48.—(1) The Serious Organised Crime and Police Act 2005 is modified as follows.

(2) In section 3(5) (functions of SOCA as to information relating to crime)(**111**) omit paragraph (d).

(3) In section 6 (annual plans)(**112**)—

(108) 2005 c.4.

(109) 2005 c.11.

(110) 2005 asp 5. Section 16A was inserted by the *Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060)*, article 2(3).

(111) 2005 c.15. Paragraph (d) has been amended by the *Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)*, schedule 6, paragraph 13 and *S.I. 2007/1098*, Schedule 1, Part 1, paragraph 6(2).

(112) Section 6 has been amended by the *Police Reform and Social Responsibility Act 2011 (c.13)*, Schedule 6, paragraph 345. There are other amendments to section 6 not relevant to this Order.

- (a) in subsection (7)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
 - (b) omit subsection (8).
- (4) In section 7 (annual reports)(**113**)—
- (a) in subsection (4)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
 - (b) omit subsection (5).
- (5) In section 16(13) (inspections) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.
- (6) In section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements)(**114**)—
- (a) omit subsections (5) and (7)(b);
 - (b) in subsection (10), for paragraph (a) and (b) substitute—
 - “(a) the Police Service of Scotland, or”; and
 - (c) in subsection (11)—
 - (i) omit the definitions of “police member” and “support staff member”;
 - (ii) in the definition of “relevant policing body”—
 - (aa) for paragraph (a) substitute—
 - “(a) in relation to the Police Service of Scotland, the Scottish Police Authority,”; and
 - (bb) omit paragraph (f).
- (7) In section 24(2)(b) (mutual assistance between SOCA and law enforcement agencies: directed arrangements)(**115**) omit “other than the Scottish Crime and Drug Enforcement Agency”.
- (8) In section 25 (directed arrangements: Scotland)(**116**)—
- (a) in subsection (1)(a)—
 - (i) for “a body within subsection (2)” substitute “the Police Service of Scotland”; and
 - (ii) for “a body within that subsection” substitute “that Service”;
 - (b) in subsection (1)(b) for “the body” substitute “that Service”;
 - (c) omit subsection (2);
 - (d) in subsection (3)—
 - (i) in paragraph (a), for “chief officer of the police force” substitute “chief constable of the Police Service of Scotland”; and
 - (ii) omit paragraph (b);

(113) Section 7 has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 346. There are other amendments to section 7 not relevant to this Order.

(114) Section 23 has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(3), S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(3) and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 347. There are other amendments to section 23 not relevant to this Order.

(115) Section 24(2)(b) was amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(4) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(4).

(116) Section 25(2), (3) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(5) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(5) and section 25(5) was inserted by those provisions. There are other amendments to section 25 not relevant to this Order.

- (e) in subsection (4) for the words “a police force in Scotland or to the Scottish Crime and Drug Enforcement Agency” where they occur substitute “the Police Service of Scotland”; and
 - (f) omit subsection (5).
- (9) In section 31(5) (liability of special police forces and law enforcement agencies for unlawful conduct of SOCA staff)(**117**), in the definition of “relevant authority” omit paragraph (d).
- (10) In section 36 (general duty of police to pass information to SOCA)—
- (a) in subsection (1) for “Great Britain” substitute “England and Wales”; and
 - (b) after subsection (2) insert—
 - “(2A) The chief constable of the Police Service of Scotland has a corresponding duty in relation to crime in Scotland.”.
- (11) In section 42(1) (interpretation of chapter 1)—
- (a) in the definition of “chief officer”—
 - (i) in paragraph (b) for “a police force in Scotland, the chief constable” substitute “the Police Service of Scotland, the chief constable of that Service”; and
 - (ii) omit paragraph (g)(**118**);
 - (b) omit the definition of “joint police board”; and
 - (c) in the definition of “police force”—
 - (i) in paragraph (a), for “, Wales or Scotland, or” substitute “or Wales,”; and
 - (ii) after that paragraph insert—
 - “(aa) the Police Service of Scotland, or”.
- (12) In section 47 (person having powers of constable: Scotland and Northern Ireland)(**119**)—
- (a) in subsection (3)(a) for “Director General of the Scottish Crime and Drug Enforcement Agency” substitute “chief constable of the Police Service of Scotland”; and
 - (b) in subsection (4) from “either” to the end substitute “a senior officer (within the meaning of section 99(1) of the Police and Fire Reform (Scotland) Act 2012) of the Police Service of Scotland.”.
- (13) In section 82(5) (protection of persons involved in investigations or proceedings)—
- (a) for paragraph (b) substitute—
 - “(b) the chief constable of the Police Service of Scotland;”;
 - (b) omit paragraph (f)(**120**).
- (14) In section 156 (payments by Scottish Ministers to police authorities etc. in relation to the prevention, detection and enforcement of certain traffic offences)—
- (a) in the section title for “police authorities etc.” substitute “Scottish Police Authority”; and
 - (b) in subsection (1), for “a police authority or joint police board (within the meaning of the Police (Scotland) Act 1967 (c.77))” substitute “the Scottish Police Authority”.

(**117**) Paragraph (d) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(6) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(6).

(**118**) Paragraph (g) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(7) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(7).

(**119**) Section 47(3)(a) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(8) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(8). There are other amendments to section 47 not relevant to this Order.

(**120**) Subsection (5)(f) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(9) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(9).

- (15) In Schedule 5 (persons specified for the purposes of section 82)—
- (a) in paragraph 15, for “(within” to the end substitute “(as defined by section 99(1) of the Police and Fire Reform (Scotland) Act 2012)”; and
 - (b) in paragraph 20A(**121**) omit the words “is or” where they occur.

Gambling Act 2005

- 49.**—(1) The Gambling Act 2005(**122**) is modified as follows.
- (2) After section 23(5)(d) (statement of principles for licensing and regulation) insert—
- “(da) the chief constable of the Police Service of Scotland,”.
- (3) After section 24(11)(b) (codes of practice) insert—
- “(ba) the chief constable of the Police Service of Scotland,”.
- (4) After section 25(5)(a) (guidance to local authorities)—
- (a) omit “and”; and
 - (b) insert—
- “(aa) the chief constable of the Police Service of Scotland, and”.

Immigration, Asylum and Nationality Act 2006

- 50.**—(1) The Immigration, Asylum and Nationality Act 2006 is modified as follows.
- (2) In section 36(9) (duty to share information)(**123**), in the definition of “chief officer of police”, in paragraph (b), for “a police force maintained under the Police (Scotland) Act 1967 (c.77)” substitute “the Police Service of Scotland”.
- (3) In section 39(3)(b) (disclosure to law enforcement agencies) for “a police force maintained under the Police (Scotland) Act 1967” substitute “the Police Service of Scotland”.

Health Act 2006

- 51.**—(1) The Health Act 2006(**124**) is modified as follows.
- (2) In section 18(9) (co-operation between health bodies and other organisations)—
- (a) in paragraph (a)(ii) for “a police force in Scotland, the chief constable” substitute “the Police Service of Scotland, the chief constable of that Service”;
 - (b) in paragraph (b)(i) for “, Wales or Scotland, or” substitute “and Wales,”; and
 - (c) after paragraph (b)(i)
 - (i) omit “or”; and
 - (ii) insert—
- “(ia) the Police Service of Scotland, or”.

(121) Paragraph 20A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(11) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(13).

(122) 2005 c.19.

(123) 2006 c.13. Section 36(9) has been amended by the Police and Justice Act 2006 (c.48), section 14 and Schedule 15 and the Borders, Citizenship and Immigration Act 2009 (c.11), section 21.

(124) 2006 c.28.

Wireless Telegraphy Act 2006

52. After section 107(4) of the Wireless Telegraphy Act 2006 (proceedings and enforcement)(**125**) insert—

“(5) In the application of this section to Scotland, subsection (2) has effect with the substitution—

- (a) for the words “a police force” of the words “the Police Service of Scotland”, and
- (b) for the words “the area for which he acts as constable” of the word “Scotland”.

Safeguarding Vulnerable Groups Act 2006

53. In section 50A(3)(b) of the Safeguarding Vulnerable Groups Act 2006 (provision of information to the police)(**126**), for “a police force in Scotland” substitute “the Police Service of Scotland”.

Police and Justice Act 2006

54.—(1) The Police and Justice Act 2006 is modified as follows.

(2) Omit section 13(6)(d) (supply of information to police etc by Registrar General).

(3) In Schedule 1 (National Policing Improvement Agency)(**127**)—

(a) for paragraph 3(3)(k) substitute—

“(k) the Police Service of Scotland, including the police cadets under the control of the chief constable of that Service,”;

(b) omit paragraph 3(3)(l);

(c) in paragraph 4—

(i) for sub-paragraph (2)(a) substitute—

“(a) the Police Service of Scotland,”;

(ii) in sub-paragraphs (2)(b) and (2)(c) for “such a force” substitute “that Service”;

(iii) for sub-paragraph (2)(d) and (2)(e) substitute—

“and

(d) the Scottish Police Authority.”;

(iv) in sub-paragraph (3)(a) omit “Services”; and

(v) for sub-paragraph (3)(b) substitute—

“(b) the chief constable of the Police Service of Scotland.”;

(d) in paragraph 6(4)—

(i) for sub-paragraph (a) substitute—

“(a) the Police Service of Scotland,”;

(ii) in sub-paragraphs (b) and (c) for “such a force” substitute “that Service”; and

(iii) for sub-paragraphs (d) and (e) substitute—

“, and

(125)2006 c.36.

(126)2006 c.47. Section 50A was inserted by the Policing and Crime Act 2009 (c.26), section 88 and subsection (3) has been amended by the Protection of Freedoms Act 2012 (c.9), Schedule 9, paragraph 65(3) and by S.I. 2010/1154, article 12. There are other amendments to section 50A not relevant to this Order.

(127)2006 c.48. There are amendments to Schedule 1 not relevant to this Order.

- (d) the Scottish Police Authority.”;
- (e) in paragraph 35—
 - (i) for sub-paragraph (b) substitute—
 - “(b) the Scottish Police Authority.”;
 - (ii) omit sub-paragraphs (c) and (d); and
- (f) in paragraph 48—
 - (i) in sub-paragraph (8)(a) for “police forces” substitute “the police service”;
 - (ii) in sub-paragraph (11)(b) omit “Services”;
 - (iii) for sub-paragraphs (11)(c) and (11)(d) substitute—
 - “(c) the chief constable of the Police Service of Scotland.”;
 - (iv) in sub-paragraph (12)(a) omit “Services”;
 - (v) for sub-paragraphs (12)(b) and (12)(c) substitute—
 - “(b) the chief constable of the Service of Scotland.”; and
 - (vi) omit sub-paragraph (13).

Road Safety Act 2006

55. In section 49A(3)(f) of the Road Safety Act 2006 (disclosure of information relating to foreign-registered vehicles)(**128**) for “a police force maintained under the Police (Scotland) Act 1967” substitute “the Police Service of Scotland”.

Armed Forces Act 2006

56. In section 375(2) of the Armed Forces Act 2006 (definitions relating to police forces)(**129**), for paragraph (e), substitute—

- “(e) the Police Service of Scotland.”.

Corporate Manslaughter and Corporate Homicide Act 2007

57.—(1) The Corporate Manslaughter and Corporate Homicide Act 2007(**130**) is modified as follows.

- (2) In section 13(1)(a) (application to police forces)—
 - (a) omit “or” at the end of sub-paragraph (i); and
 - (b) omit sub-paragraph (ii);
 - (c) after subsection (1)(a) insert—
 - “(aa) the Police Service of Scotland.”;
 - (d) in subsection (3)(d) after “(a)” insert “, (aa)”;
 - (e) in subsection (4) for “a force mentioned” to the end substitute “the Police Service of Scotland, as a reference to a constable of that Service.”.

(**128**)2006 c.49. Section 49A was inserted by the Local Transport Act 2008 (c.26), section 129.

(**129**)2006 c.52.

(**130**)2007 c.19.

Legal Services Act 2007

58. In section 169(5) of the Legal Services Act 2007 (disclosure of information to the Board)(**131**), for paragraph (b) substitute—

“(b) the chief constable of the Police Service of Scotland;”.

Regulatory Enforcement and Sanctions Act 2008

59. In section 37(3)(d) of the Regulatory Enforcement and Sanctions Act 2008 (“regulator”)(**132**) for “a police force in Scotland” substitute “the Police Service of Scotland”.

Counter-Terrorism Act 2008

60.—(1) The Counter-Terrorism Act 2008 is modified as follows.

(2) In section 7(5)(b) (photographing and copying of documents) for “police force for the area in which the search was carried out” substitute “Police Service of Scotland”.

(3) In section 18(5) (material not subject to existing statutory restrictions)(**133**), in the definition of “police force”, for paragraph (d) substitute—

“(d) the Police Service of Scotland;”.

(4) In section 51 (meaning of “local police area”) after subsection (3) insert—

“(4) This section and section 50(2) apply in relation to Scotland as if Scotland were a police area.”.

(5) In section 86 (costs of policing at gas facilities: Scotland)—

(a) in subsection (2)(b)—

(i) for “provided under an agreement under section 13 of the Police (Scotland) Act 1967 (c.77) for the guarding, patrolling and watching” substitute “(within the meaning of section 86(9) of the Police and Fire Reform (Scotland) Act 2012) provided under an arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012 in respect”; and

(ii) for sub-paragraph (ii) substitute—

“(ii) the chief constable of the Police Service of Scotland.”; and

(b) in subsection (4), for “agreement as is” substitute “arrangements as are”.

(6) In section 88 (costs of policing at gas facilities: recovery of costs)—

(a) in subsection (2) for “agreement under section 13 of the Police (Scotland) Act 1967 (c.77)” substitute “arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012”; and

(b) in subsection (3)(b) for “agreement under section 13 of the Police (Scotland) Act 1967” substitute “arrangement under section 86 of the Police and Fire Reform (Scotland) Act 2012”.

(7) In Schedule 4 (notification orders)—

(a) in paragraph 5(1) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”;

(131)2007 c.29.

(132)2008 c.13.

(133)2008 c.28. Section 18(5) has been amended by the Crime and Security Act 2010 (c.17), section 21(6).

- (b) in paragraph 5(2)(a) for “the area of the chief constable’s police force” substitute “Scotland”; and
 - (c) in paragraph 5(2)(b) for “that area” substitute “Scotland”.
- (8) In Schedule 5 (foreign travel restriction orders)—
- (a) in paragraph 4(1) for “a chief constable” substitute “the chief constable of the Police Service of Scotland”;
 - (b) in paragraph 4(2)(a) for “the area of the chief constable’s police force” substitute “Scotland”;
 - (c) in paragraph 4(2)(b) for “that area” substitute “Scotland”;
 - (d) in paragraph 4(3) omit from “to a sheriff” to the end;
 - (e) in paragraph 9(1)—
 - (i) omit “or” at the end of paragraph (a);
 - (ii) for paragraph (b), substitute—
 - “(b) the chief constable of the Police Service of Scotland.”;
 - (iii) omit paragraphs (c) and (d); and
 - (f) omit paragraph 9(2)(a) and (2)(b)(ii).

Borders, Citizenship and Immigration Act 2009

61. In section 29 of the Borders, Citizenship and Immigration Act 2009 (inspections by Her Majesty’s inspectors of constabulary etc.)**(134)**—

- (a) in subsection (2)(b) for “section 33 or 34 of the Police (Scotland) Act 1967 (c.77) (inspection)” substitute “Chapter 11 of Part 1 of the Police and Fire Reform (Scotland) Act 2012 (Her Majesty’s inspectors of constabulary)”;
- (b) in subsection (6)(a) for “section 33(1) of the Police (Scotland) Act 1967” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.

Marine and Coastal Access Act 2009

62.—(1) The Marine and Coastal Access Act 2009**(135)** is modified as follows.

(2) In paragraph 13(2)(d) of Schedule 7 (disclosure of information), for “a police force in Scotland” substitute “the Police Service of Scotland”.

(3) In paragraph 9(2)(d) of Schedule 10 (disclosure of information), for the words “a police force in Scotland” substitute “the Police Service of Scotland”.

Equality Act 2010

63.—(1) The Equality Act 2010**(136)** is modified as follows.

(2) In section 42 (identity of employer)—

- (a) in subsection (4) for “, SPSA or SCDEA” substitute “or SPA”;
- (b) in subsection (5) for “SPSA” substitute “SPA”; and
- (c) omit subsection (6).

(134)2009 c.11.

(135)2009 c.23.

(136)2010 c.15.

- (3) In section 43 (interpretation)—
- (a) for subsection (6) substitute—
- “(5A) “SPA” means the Scottish Police Authority; and a reference to a constable at SPA is a reference to a constable serving as a member of its staff by virtue of paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012.”;
- (b) omit subsection (7);
- (c) in subsection (8)(c) for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”; and
- (d) for subsection (9) substitute—
- “(9) Subsections (2) and (3) apply in relation to Scotland as follows—
- (a) a reference to a police authority includes a reference to the Scottish Police Authority;
- (b) a reference to a police force includes a reference to the Police Service of Scotland; and
- (c) a reference to a chief officer of police includes a reference to the chief constable of the Police Service of Scotland.”.
- (4) In Part 3 of Schedule 19 (public authorities: relevant Scottish authorities)—
- (a) omit “A joint fire and rescue board constituted by a scheme under section 2(1) of the Fire (Scotland) Act 2005.”;
- (b) for the heading “*Police*” substitute “*Police and Fire*”;
- (c) for “A police authority established under section 2 of the Police (Scotland) Act 1967.” substitute “The Scottish Police Authority.”;
- (d) after the entry substituted by paragraph (4)(c) insert—
- “The chief constable of the Police Service of Scotland.
 The Scottish Fire and Rescue Service.
 The Chief Officer of the Scottish Fire and Rescue Service.”; and
- (e) omit—
- “A Chief Constable of a police force maintained under section 1 of the Police (Scotland) Act 1967.”;
- “A Chief Officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005.”; and
- “The Scottish Police Services Authority.”.

Terrorism Prevention and Investigation Measures Act 2011

64.—(1) The Terrorism Prevention and Investigation Measures Act 2011(**137**) is modified as follows.

- (2) In section 10(10) (criminal investigations into terrorism-related activity)—
- (a) in the definition of “chief officer”—
- (i) for paragraph (b) substitute—
- “(b) in relation to the Police Service of Scotland, means the chief constable of that Service;”;

- (ii) omit paragraph (e); and
- (b) in the definition of “police force”—
 - (i) for paragraph (b) substitute—
 - “(b) the Police Service of Scotland;”;
 - (ii) omit paragraph (e).
- (3) In paragraph 14 (interpretation) of Schedule 6—
 - (a) in the definition of “police force”—
 - (i) for paragraph (d) substitute—
 - “(d) the Police Service of Scotland;”;
 - (ii) omit paragraph (e) and the “or” immediately before it; and
 - (b) in the definition of “responsible chief officer of police” in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken, for “police force for the area” to the end substitute “Police Service of Scotland;”.

PART 2

MODIFICATION OF ACT OF THE SCOTTISH PARLIAMENT

Police and Fire Reform (Scotland) Act 2012

65. In Part 1 of schedule 7 to the Police and Fire Reform (Scotland) Act 2012(**138**), omit paragraph 1.

PART 3

MODIFICATIONS OF SUBORDINATE LEGISLATION

Social Security (Employed Earners’ Employments for Industrial Injuries Purposes) Regulations 1975

66.—(1) The Social Security (Employed Earners’ Employment for Industrial Injuries Purposes Regulations) 1975(**139**) are modified as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners’ employments for industrial injuries purposes)(**140**), for “a fire and rescue authority” to “under that Act” substitute “the Scottish Fire and Rescue Service”.

(3) In Schedule 3 (employments in respect of which persons are treated as employers for industrial injuries purposes), in the entry numbered 4(**141**), in column 1, for first “fire” to “board” substitute “Scottish Fire and Rescue Service”.

(138) 2012 asp 8.

(139) S.I. 1975/467.

(140) Paragraph 2 of Part 1 of Schedule 1 has, so far as it extends to Scotland, been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 4(2).

(141) This entry, so far as it extends to Scotland, has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 4(3).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 No. 602*

Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

67.—(1) In regulation 12(1)(c) of the Town and Country Planning (Control of Advertisements (Scotland) Regulations (election notices, statutory advertisements and traffic signs)(**142**), for “roads or police authority” substitute “roads authority or the Police Service of Scotland”.

Road Vehicles (Construction and Use) Regulations 1986

68. In paragraph 1(c)(i) of Schedule 12 to the Road Vehicles (Construction and Use) Regulations 1986 (advance notice to Police)(**143**), for “the same meaning as in the Police (Scotland) Act 1967”, substitute “means the chief constable of the Police Service of Scotland”.

Income Support (General) Regulations 1987

69. In paragraph 7(1)(ab) of Schedule 8 to the Income Support (General) Regulations 1987 (sums to be disregarded in the calculation of earnings)(**144**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

The Police and Criminal Evidence (Northern Ireland) Order 1989

70. In Article 63A(1B) of Police and Criminal Evidence (Northern Ireland) Order 1989 (fingerprints and samples: supplementary provisions)(**145**), for sub-paragraph (e) substitute—
 “(e) the Police Service of Scotland;”.

Official Secrets Act 1989 (Prescription) Order 1990

71.—(1) The Official Secrets Act 1989 (Prescription) Order 1990 is modified as follows.
 (2) At the end of Schedule 1 (prescriptions: section 12(1)(f))(**146**), insert—

“Scottish Police Authority	The members and employees of the Authority who are not otherwise Crown servants”
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(3) At the end of Schedule 2 (prescriptions: section 12(1)(g))(**147**), insert—

“Police Investigations and Review Commissioner	The members of the Commissioner’s staff who are not otherwise Crown servants”
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(142) S.I. 1984/467.

(143) S.I. 1986/1078.

(144) S.I. 1987/1967. Paragraph 7(1)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 5. There are other amendments to paragraph 7 not relevant to this Order.

(145) S.I. 1989/1341(N.I. 12)). Article 63A was inserted by the Police (Amendment) (Northern Ireland) Order 1995 (S.I. 1995/2993 (N.I. 17)), Article 12 and has been amended by the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), Article 34.

(146) S.I. 1990/200. There are amendments to Schedule 1 not relevant to this Order.

(147) There are amendments to Schedule 2 not relevant to this Order.

Child Support (Maintenance Assessments and Special Cases) Regulations 1992

72. In paragraph 1(1)(i)(iib) of Part 1 of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (earnings of an employed earner)(148), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Goods Vehicles (Licensing of Operators) Regulations 1995

73. In paragraph 6 of Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 (classes of vehicles for which a licence is not required)(149), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

Jobseeker’s Allowance Regulations 1996

74.—(1) The Jobseeker’s Allowance Regulations 1996 are modified as follows.

(2) In regulation 4 (interpretation of Parts 2, 4 and 5)(150), in the definition of “part-time member of a fire brigade” for “a fire and rescue authority” to second “Act” substitute “the Scottish Fire and Rescue Service”.

(3) In regulation 53(d)(ib) (persons treated as not engaged in remunerative work)(151), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

(4) In paragraph 9(1)(ab) of Schedule 6 (sums to be disregarded in the calculation of earnings)(152), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Social Security Benefit (Computation of Earnings) Regulations 1996

75. In paragraph 9(ab) of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996 (sums to be disregarded in the calculation of earnings)(153), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Health and Safety (Enforcing Authority) Regulations 1998

76. In regulation 4(3)(e) of the Health and Safety (Enforcing Authority) Regulations 1998 (exceptions)(154), for “a relevant” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”.

(148) S.I. 1992/1815, revoked by S.I. 2001/155 with certain savings (see regulation 15(2) to (6) and S.I. 2000/3186); there are other amending instruments but none are relevant.

(149) S.I. 1995/2869. Paragraph 6 of Schedule 3 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 9. There are other amendments to Schedule 3 not relevant to this Order.

(150) S.I. 1996/207. Regulation 4 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(2). There are other amendments to regulation 4 not relevant to this Order.

(151) Regulation 53(d)(ib) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(3). There are other amendments to regulation 53 not relevant to this Order.

(152) Paragraph 9(1)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 10(4). There are other amendments to Schedule 6 not relevant to this Order.

(153) S.I. 1996/2745. Paragraph 9(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 11.

(154) S.I. 1998/494. Regulation 4(3)(e) has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 13. There are other amendments to that regulation not relevant to this Order.

Scotland Act 1998 (Concurrent Functions) Order 1999

77.—(1) Schedule 2 to the Scotland Act 1998 (Concurrent Functions) Order 1999(155) is modified as follows.

(2) In paragraph 2(a)(ii), for “relevant” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”.

(3) In paragraph 2(b)(iii), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.

(4) In paragraph 2(b)(iv), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.

Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

78.—(1) The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 is modified as follows.

(2) In Schedule 2 (enactments conferring functions exercisable concurrently by the Scottish Ministers and Ministers of the Crown)(156) omit the entry relating to section 32A of the Police (Scotland) Act 1967.

(3) In Schedule 4 (non-statutory functions transferred to the Scottish Ministers) for paragraph 1(1) (b) and (c) substitute—

“(b) by the Police Service of Scotland;

(c) by the Scottish Fire and Rescue Service; or”.

Motor Vehicles (Driving Licences) Regulations 1999

79. In regulation 23(9) of the Motor Vehicles (Driving Licences) Regulations 1999 (persons by whom theory tests may be conducted)(157), in the definitions of “chief officer of police”, “police area” and “police authority”, after “have” insert “in relation to England and Wales”.

Child Support (Maintenance Calculations and Special Cases) Regulations 2001

80. In paragraph 4(2)(g)(iib) of the Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2001 (earnings)(158), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Representation of the People (Scotland) Regulations 2001

81. In regulation 31J(4)(b) of the Representation of the People (Scotland) Regulations (anonymous registration: evidence by attestation)(159) for “any police force in Scotland”, substitute “the Police Service of Scotland”.

(155) S.I. 1999/1592. Schedule 2 has been amended by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 14.

(156) S.I. 1999/1750. There are amendments to Schedule 2 not relevant to this Order.

(157) S.I. 1999/2864.

(158) S.I. 2001/155. Paragraph 4(2)(g)(iib) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 15. There are other amendments to the Schedule not relevant to this Order.

(159) S.I. 2001/497. Regulation 31J(4)(b) was inserted by the Representation of the People (Scotland) (Amendment) Regulations 2007 (S.I. 2007/925), regulation 12 and amended by the Representation of the People (Amendment) Regulations 2009 (S.I. 2009/725), regulation 14(b). There are other amendments to regulation 31J not relevant to this Order.

State Pension Credit Regulations 2002

82. In paragraph 2(2)(ab) of Schedule 6 to the State Pension Credit Regulations 2002 (sums disregarded from claimant’s earnings)(**160**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003

83. In paragraph 1(2)(b) of Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2003 (functions under the 2000 Act)(**161**), for sub-head (i) substitute—

“(i) the chief constable of the Police Service of Scotland; or”.

Revenue and Customs (Inspections) Regulations 2005

84.—(1) In regulation 10(2) of the Revenue and Customs (Inspections) Regulations 2005 (appointment of assistant inspectors and staff officers)(**162**)—

- (a) for “Section 34 of the Police (Scotland) Act 1967 (appointment of assistant inspectors and staff officers)” substitute “Sections 72 and 73 of the Police and Fire Reform (Scotland) Act 2012 (assistant inspectors and staff officers)”;
- (b) in sub-paragraph (a)—
 - (i) for “section 34(1) after “constabulary”” substitute “section 72(1) after “may””; and
 - (ii) omit “and”;
- (c) in sub-paragraph (b) for “section 34(1A)” substitute “section 72(1)(b)”;
- (d) at the end of that sub-paragraph insert—
 - “(c) in section 72(1)(b) for “constables” substitute “officers of Revenue and Customs”;
 - (d) in section 72(2) for “A constable” substitute “An officer of Revenue and Customs”;
 - (e) in section 72(3) for “constable” and “constable’s” substitute “officer of Revenue and Customs” and “officer’s”;
 - (f) in section 73(1) after “may” insert “for the purposes of carrying out functions under the Revenue and Customs (Inspections) Regulations 2005”, and
 - (g) in section 73(1)(b) for “constables” substitute “officers of Revenue and Customs”;
 - (h) in section 73(2) for “A constable” substitute “An officer of Revenue and Customs”, and
 - (i) In section 73(3) for “constable” and “constable’s” substitute “officer of Revenue and Customs” and “officer’s”.”.

(160) S.I. 2002/1792. Paragraph 2(2)(ab) was inserted by the Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), Schedule 1, Part 2, paragraph 16. There are other amendments to Schedule 6 not relevant to this Order.

(161) S.I. 2003/2617.

(162) S.I. 2005/1133.

Housing Benefit Regulations 2006

85. In paragraph 8(1)(b) of Schedule 4 to the Housing Benefits Regulations 2006 (sums to be disregarded in the calculation of earnings)(**163**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

86. In paragraph 3(2)(b) of Schedule 4 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (sums disregarded from claimant’s earnings)(**164**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

87. In regulation 2(1) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (interpretation)(**165**), in the definition of “fire and rescue authority”—

- (a) in sub-paragraph (a), for “Great Britain” substitute “England and Wales”;
- (b) omit “and” at the end of that sub-paragraph; and
- (c) at the end of sub-paragraph (b) insert—
“and
(c) in relation to Scotland, means the Scottish Fire and Rescue Service;”.

*Police, Public Order and Criminal Justice (Scotland) Act 2006
(Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)*

88.—(1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 is modified as follows.

- (2) In article 2 (interpretation)—
 - (a) omit sub-paragraph (b); and
 - (b) in sub-paragraph (c) for “the Police Complaints Commissioner for Scotland” substitute “the Police Investigations and Review Commissioner”(**166**).
- (3) In article 3 (disclosure of information)—
 - (a) in paragraph (1) omit the words “the Agency or” in both places;
 - (b) omit paragraph (5);
 - (c) in paragraph (7) omit “, (5)”;
 - (d) in paragraph (10) omit “20(1) or”; and
 - (e) in paragraph (11)—
 - (i) for “Paragraphs (5) and (6) do”, substitute “Paragraph (6) does”; and
 - (ii) omit “19(4) or”.
- (4) In Part 1 of the Schedule, omit paragraph 4(16).

(163) S.I. 2006/213.

(164) S.I. 2006/214.

(165) S.I. 2007/605. There are amendments to regulation 2 not relevant to this Order.

(166) The Police Complaints Commissioner for Scotland is renamed the Police Investigations and Review Commissioner by section 61 of the 2012 Act.

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007

89. Omit paragraph 1(2)(b)(i) of Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007 (functions under the 2000 Act)(**167**).

The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008

90.—(1) The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008 are modified as follows.

(2) In regulation 5(2) (licences), omit sub-paragraph (f).

(3) In regulation 5(3)(d)(**168**), for “a chief constable of a police force in Scotland” substitute “the chief constable of the Police Service of Scotland”.

Employment and Support Allowance Regulations 2008

91. In regulation 43(1)(e)(iii) of the Employment and Support Allowance Regulations 2008 (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work)(**169**), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

The Police Act 1997 (Criminal Records) Regulations 2009

92. In regulation 2 of the Police Act 1997 (Criminal Records) Regulations 2009 (enhanced criminal record certificates: police forces)(**170**), omit sub-paragraphs (c) and (d).

Road Vehicles (Approval) Regulations 2009

93. In regulation 5(8) of the Road Vehicles (Approval) Regulations 2009 (scope of the regulations)(**171**), in the definition of “fire and rescue authority”—

(a) in sub-paragraph (a), omit head (ii); and

(b) after sub-paragraph (b), insert—

“and

(c) in Scotland means the Scottish Fire and Rescue Service;”.

*The Police Act 1997 (Criminal Records) (Disclosure)
(Amendment) Regulations (Northern Ireland) 2009*

94. In regulation 2 of the Police Act 1997 (Criminal Records) (Disclosure) (Amendment) Regulations (Northern Ireland) 2009 (enhanced criminal record certificates: police forces)(**172**), omit sub-paragraphs (c) and (d).

(167) S.I. 2007/2915.

(168) S.I. 2008/295. There are amendments to regulation 5 which are not relevant to this Order.

(169) S.I. 2008/794. There are amendments to regulation 43 not relevant to this Order.

(170) S.I. 2009/460.

(171) S.I. 2009/717.

(172) S.I. 2009/1798.

The Ministry of Defence Police (Conduct) Regulations 2009

95.—(1) The Ministry of Defence Police (Conduct) Regulations 2009(**173**) are modified as follows.

(2) In regulation 3 (interpretation and delegation)—

(a) in paragraph (1)—

(i) insert in the appropriate place ““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;”;

(ii) in the definition of “HMCIC” for sub-paragraph (b) substitute—

“(b) in relation to Scotland, an inspector of constabulary appointed under section 71 of the 2012 Act (Her Majesty’s inspectors of constabulary in Scotland);”;

(b) in sub-paragraph (2)(c), for head (vi), substitute—

“(vi) the Police Service of Scotland;”.

The Ministry of Defence Police Appeals Tribunals Regulations 2009

96.—(1) The Ministry of Defence Police Appeals Tribunals Regulations 2009(**174**) are modified as follows.

(2) In regulation 3 (interpretation) insert in the appropriate place ““the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012;”.

(3) In regulation 5 (appointment and composition of police appeals tribunal)—

(a) in paragraph (2)(b), for head (i) substitute—

“(i) one shall be a person chosen from a panel of persons maintained by the Lord President of the Court of Session for the purposes of schedule 3 to the 2012 Act (police appeals tribunals);”;

(b) in paragraph (2)(b), for head (iii) substitute—

“(iii) one shall be HMCIC or a person who has within the previous five years been an inspector of constabulary for the purposes of section 71 of the 2012 Act (Her Majesty’s inspectors of constabulary in Scotland) or section 33 of the 1967 Act (Inspectors of Constabulary).”;

(c) in paragraph (4)(b)(i) for “list” substitute “panel”;

(d) in paragraph (4)(b), for head (iii) substitute—

“(iii) one shall be a person chosen from the list maintained immediately before the day on which this paragraph comes into force by the Scottish Ministers for the purposes of paragraph 2(1)(c) of Schedule 3 to the 1967 Act of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the force; and”.

Regulation of Investigatory Powers (Communications Data) Order 2010

97.—(1) The Regulation of Investigatory Powers (Communications Data) Order 2010 is modified as follows.

(173)S.I. 2009/3069. There are amendments not relevant to this Order.

(174)S.I. 2009/3070. There are amendments not relevant to this Order.

(2) In Schedule 1—

- (a) for the entry for a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 substitute—

“The Police Service of Scotland	Superintendent	Inspector	Section 22(2)(a), (b), (c) (d), (e) and (g) Article 2(b)”;
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- (b) omit the entry for the Scottish Crime and Drug Enforcement Agency.

(3) In Part 1 of Schedule 2(175)—

- (a) omit the entry for a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (b) for the entry for a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 or a joint fire and rescue board within the meaning of section 5 of that Act substitute—

“The Scottish Fire and Rescue Service	Fire Control Officer	—	Section 22(2)(g)”;
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- (c) after the entry for the Office of the Police Ombudsman for Northern Ireland insert—

“The Police Investigations and Review Commissioner	Commissioner or Director of Investigations	—	Section 22(2)(b) Article 2(b)”;
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(4) In Part 2 of Schedule 2(176)—

- (a) in the entry for a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, omit the second row (which relates to the Principal Fire Control Officer or Group Manager);
- (b) for the entry for a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 or a joint fire and rescue board within the meaning of section 5 of that Act substitute—

“The Scottish Fire and Rescue Service	Principal Fire Control Officer or Group Manager	—	Section 22(2)(b) and (d)”;
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Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

98. Part 1 of Schedule 1 to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(177) is modified as follows—

- (a) for the entry for a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 substitute—

(175) S.I. 2010/480. There is an amendment to Part 1 of Schedule 2 not relevant to this Order.

(176) There are amendments to Part 2 of Schedule 2 not relevant to this Order.

(177) S.I. 2010/521.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 No. 602

“The Police Service of Scotland	Superintendent	Inspector	Paragraphs (a), (b), (c), (d) and (e)”;
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(b) omit the entry for the Scottish Crime and Drug Enforcement Agency.

The Pyrotechnic Articles (Safety) Regulations 2010

99.—(1) The Pyrotechnic Articles (Safety) Regulations 2010(**178**) are modified as follows.

(2) In regulation 3(2)(a) (scope and exclusions)—

(a) for head (iii), substitute—

“(iii) the Police Service of Scotland,”;

(b) for head (xii), substitute—

“(xii) the Scottish Fire and Rescue Service, or”; and

(c) omit head (x).

The Ministry of Defence Police (Performance) Regulations 2012

100. In regulation 4 of the Ministry of Defence Police (Performance) Regulations 2012 (interpretation and delegation)(**179**) in paragraph (1) in the definition of “alternative police force” for sub-paragraph (f) substitute—

“(f) the Police Service of Scotland; or”.

(178) S.I. 2010/1554.

(179) S.I. 2012/808.