

SCHEDULE 2

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(1) 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)(2), 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(3), in column 1, for first “fire” to “board” substitute “Scottish Fire and Rescue Service”.

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)(4), 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)(5), 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)(6), for “a fire” to second “Act” substitute “the Scottish Fire and Rescue Service”.

(1) [S.I. 1975/467](#).

(2) 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).

(3) 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).

(4) [S.I. 1984/467](#).

(5) [S.I. 1986/1078](#).

(6) [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.

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 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)(7), 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))(8), 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))(9), insert—

“Police Investigations and Review Commissioner	The members of the Commissioner’s staff who are not otherwise Crown servants”
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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)(10), 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)(11), 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)(12), 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”.

(7) *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.

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

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

(10) *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.

(11) *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.

(12) *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.

(3) In regulation 53(d)(ib) (persons treated as not engaged in remunerative work)(**13**), 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)(**14**), 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)(**15**), 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)(**16**), for “a relevant” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”.

Scotland Act 1998 (Concurrent Functions) Order 1999

77.—(1) Schedule 2 to the Scotland Act 1998 (Concurrent Functions) Order 1999(**17**) 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)(**18**) 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”.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.

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

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)(**19**), 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)(**20**), 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)(**21**) for “any police force in Scotland”, substitute “the Police Service of Scotland”.

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)(**22**), 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)(**23**), 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)(**24**)—

(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”;

(19) [S.I. 1999/2864](#).

(20) [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.

(21) [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.

(22) [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.

(23) [S.I. 2003/2617](#).

(24) [S.I. 2005/1133](#).

- (c) in sub-paragraph (b) for “section 34(1A)” substitute “section 72(1)(b)”; and
- (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”.”.

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)(**25**), 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)(**26**), 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)(**27**), 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.

(25) S.I. 2006/213.

(26) S.I. 2006/214.

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

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The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 No. 602

- (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”(28).
- (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).

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)(29).

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)(30), 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)(31), 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)(32), omit sub-paragraphs (c) and (d).

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

(29) [S.I. 2007/2915](#).

(30) [S.I. 2008/295](#). There are amendments to regulation 5 which are not relevant to this Order.

(31) [S.I. 2008/794](#). There are amendments to regulation 43 not relevant to this Order.

(32) [S.I. 2009/460](#).

Road Vehicles (Approval) Regulations 2009

93. In regulation 5(8) of the Road Vehicles (Approval) Regulations 2009 (scope of the regulations)(**33**), 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)(**34**), omit sub-paragraphs (c) and (d).

The Ministry of Defence Police (Conduct) Regulations 2009

95.—(1) The Ministry of Defence Police (Conduct) Regulations 2009(**35**) 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(**36**) 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—

(33) [S.I. 2009/717](#).

(34) [S.I. 2009/1798](#).

(35) [S.I. 2009/3069](#). There are amendments not relevant to this Order.

(36) [S.I. 2009/3070](#). There are amendments not relevant to this Order.

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“(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.

(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(**37**)—

(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(**38**)—

(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);

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

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

- (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(**39**) 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—

“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(**40**) 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”;
- (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)(**41**) in paragraph (1) in the definition of “alternative police force” for sub-paragraph (f) substitute—

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

(39) S.I. 2010/521.
 (40) S.I. 2010/1554.
 (41) S.I. 2012/808.