

# CRIMINAL JUSTICE (SCOTLAND) ACT 2003

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## EXPLANATORY NOTES

### THE ACT THE ACT IS IN 12 PARTS.

#### Part 12 – Miscellaneous and General

##### Miscellaneous

##### *Section 75 – Reintroduction of ranks of deputy chief constable and chief superintendent*

412. *Section 75* amends the Police (Scotland) Act 1967 (“the 1967 Act”) to provide for the reintroduction of the ranks of deputy chief constable and chief superintendent.
413. Subsection (2) inserts a revised section 5 and a new section 5A into the 1967 Act. The revised section 5 provides that:
- each police force is to have a deputy chief constable;
  - the ranks which may be held in a police force should include that of assistant chief constable, as formerly; but there will no longer be a requirement for every force to have at least one assistant chief constable;
  - the appointments and promotion procedures set out in section 26 of the 1967 Act are to be followed for deputy as for assistant chief constables;
414. The revised section 5A provides that:
- the deputy chief constable may exercise or perform all of the powers and duties of the chief constable of that force where the chief constable is absent, incapacitated or suspended, there is a vacancy in that post, or at any other time with the consent of the chief constable;
  - a person holding the rank of assistant chief constable may be designated by the police authority to exercise or perform all of the powers and duties of the chief constable of that force where both the chief constable and the deputy chief constable are absent, incapacitated or suspended, or there is a vacancy in both of those posts;
  - only one person may be designated by the police authority to act as described above at any one time;
  - the exercise of the powers set out in subsections (1)(a) or (b) or (2) of section 5A for a continuous period of more than three months will require the consent of the Scottish Ministers;
  - the above is without prejudice to any other enactments which provide for the exercise by any other person of any powers of a chief constable.
415. All of these provisions formerly applied to the assistant chief constable designated as deputy to the chief constable. They will now apply to the deputy chief constable.

*These notes relate to the Criminal Justice (Scotland) Act  
2003 (asp 7) which received Royal Assent on 26 March 2003*

416. Subsection (3) amends section 7 of the 1967 Act to add deputy chief constable and chief superintendent to the list of ranks which may be held in a police force.
417. Subsection (4) amends section 26(2A)(b) of the 1967 Act so that the section applies to officers above the rank of chief superintendent (i.e. the same ranks as were formerly described as “above superintendent”).