

# **POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 (ASP 10)**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: Police**

#### **Chapter 3: Other Provisions**

#### **Section 48 – Allowances payable to special constables**

79. This section amends section 3 of the Police (Scotland) Act 1967 to clarify the basis upon which certain allowances to be known as periodic payments can be paid to special constables. Special constables are volunteer police officers who do not receive a salary but may receive various allowances. This section will allow special constables to receive periodic payments in recognition of their commitment to serve for a set number of hours, as set out in regulations made by the Scottish Ministers.

#### **Section 49 – Appointments of assistant inspectors of constabulary and staff officers**

80. This section amends section 34 of the Police (Scotland) Act 1967 so as to remove the current restrictions on the appointment of staff officers to the inspectors of constabulary. At present, only constables from Scottish forces can be appointed as staff officers. The amendment makes clear that any person is eligible to be appointed and that these appointments will be made by the chief inspector of constabulary.

#### **Section 50 – Constables engaged on service outside their force**

81. This section amends section 38A of the Police (Scotland) Act 1967.
82. Subsection (2) amends section 38A of the 1967 Act to ensure that constables engaged on certain types of relevant service can still be represented by the Police Federation of their home force.
83. Subsection (3) makes provision to allow the Scottish Ministers, by order made by statutory instrument subject to negative resolution procedure, to add to the types of service undertaken by constables which can be regarded as relevant service for the purposes of the 1967 Act. This is to allow flexibility for the future as new bodies are created in which Scottish constables may be engaged on periods of temporary service. Some examples of the types of service currently listed as being relevant service are, for example, service with the Independent Police Complaints Commission for England and Wales, service under the International Development Act 2002 and service with the Scottish Ministers in connection with their functions under the Proceeds of Crime (Scotland) Act 2002. Providing such constables to be on relevant service within the meaning of section 38A ensures that they retain relevant rights in respect of pay and pension and can continue to be promoted in their police force as if they were still serving in it.