

## SCHEDULE 6 MODIFICATIONS OF ENACTMENTS

### PART 1

#### ACTS

#### *The Police Act 1996 (c. 16)*

- 5 (1) The Police Act 1996 is modified as follows.
- (2) After section 60 (regulations for police federations), there is inserted—

#### **“60A Sections 59 and 60: special provision for the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency**

- (1) For the purposes of sections 59 and 60, persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to the 2006 Act shall be treated as members of a police force in Scotland, and references in section 59 to police service shall be construed accordingly.
- (2) The reference in section 59(2) to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations made in accordance with either of—
    - (i) section 23(2)(a) of the 2006 Act, and
    - (ii) section 26(2A) of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967 (temporary service with the Scottish Police Services Authority), be construed as a reference to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (3) The reference in section 60(3) to regulations under section 26 of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations under either of—
    - (i) section 23 of the 2006 Act, and
    - (ii) section 26 of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967, be construed as a reference to regulations made under section 26 of

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the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.

- (4) For the purposes of paragraphs (c) and (d) of subsection (2) of section 60—
- (a) the Scottish Police Services Authority shall be treated as a police authority, and
  - (b) the Director General of the Scottish Crime and Drug Enforcement Agency shall be treated as a chief officer of police, and the reference in paragraph (d) of that subsection to police purposes shall be construed accordingly.
- (5) In this section, “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006.”.
- (3) In section 61 (Police Negotiating Board for the United Kingdom), in subsection (1), after paragraph (c) there is inserted—
- “(ca) the Scottish Police Services Authority,
  - (cb) constables seconded to that Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
  - (cc) persons seconded to that Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (cb),
  - (cd) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.”.
- (4) In section 62 (functions of the Board with respect to regulations)—
- (a) in subsection (1A)—
    - (i) the words “regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables)” become paragraph (a) of the subsection;
    - (ii) after that paragraph there is inserted—
      - “(b) regulations under section 23 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 or an order under paragraph 10(10) of schedule 1 to, or paragraph 9(1) of schedule 2 to, that Act,”
    - (iii) after “regulations”, where last occurring, there is inserted “or order”; and
  - (b) after that subsection there is inserted—
    - “(1AA) Before determining the terms and conditions on which an appointment mentioned in subsection (1AB) below is made, the Scottish Police Services Authority shall—
      - (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and (b) take into consideration any recommendation made by the Board.
- (1AB) Those appointments are—

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- (a) the appointment of a constable seconded as a member of the staff of the Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006,
  - (b) the appointment of a person seconded as member of staff of the Authority under paragraph 10(3) of schedule 1 to that Act, and
  - (c) the appointment of a person as a police member of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.
- (1AC) Before determining the terms and conditions on which the Director General or the Deputy Director General of the Scottish Crime and Drug Enforcement Agency is to be appointed, the Scottish Ministers shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
  - (b) take into consideration any recommendation made by the Board.”; and
  - (c) in subsection (2), after “above” there is inserted “, or for the purposes of subsection (1AA) or (1AC) above,”.
- (5) In section 63 (Police Advisory Boards for England and Wales and for Scotland), after subsection (1) there is inserted—
- “(1ZA) The Police Advisory Board for Scotland shall also advise the Scottish Ministers on general questions affecting—
- (a) constables seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
  - (b) persons seconded to the Scottish Police Services Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (a); or
  - (c) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.”.