



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

POLICE AND FIRE REFORM (SCOTLAND) ACT 2012

PART 1

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Changes to legislation: Police and Fire Reform (Scotland) Act 2012 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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Status

- 1 (1) The Authority— (a) is not a servant or agent...

Membership

- 2 (1) The Authority is to consist of—

Disqualification

- 3 A person is disqualified from appointment, and from holding office,...

Tenure

- 4 (1) A member is to be appointed for a period...

Removal from office

- 5 (1) The Scottish Ministers may remove a member from office...

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Staff of the Authority

- 6 (1) The Authority may appoint individuals to assist the Authority...

Constables: temporary service with the Scottish Police Authority

- 7 (1) The Authority may make arrangements for a constable, or...

Terms and conditions of the Authority's staff

- 8 (1) A member of the Authority's staff may be employed...

Committees and sub-committees

- 9 (1) The Authority may establish committees for any purpose.

Procedure

- 10 (1) The Authority may regulate— (a) its own procedure (including...

Public access

- 11 (1) The Authority must ensure that its proceedings and those...

Delegation of functions

- 12 (1) The Authority may authorise— (a) any of its committees,...

Location of principal offices

- 13 Any determination by the Authority as to the location of...

PART 2 — CONSEQUENTIAL MODIFICATIONS

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 14 In schedule 3 to the Ethical Standards in Public Life...

Freedom of Information (Scotland) Act 2002 (asp 13)

- 15 In schedule 1 to the Freedom of Information (Scotland) Act...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 16 In schedule 2 to the Public Appointments and Public Bodies...

Public Services Reform (Scotland) Act 2010 (asp 8)

- 17 (1) The Public Services Reform (Scotland) Act 2010 is amended...

Public Records (Scotland) Act 2011 (asp 12)

- 18 In the schedule to the Public Records (Scotland) Act 2011...

SCHEDULE 2 — Police custody and security officers: powers and duties

- 1 A police custody and security officer has power—

- 2 (1) It is the duty of a police custody and...

SCHEDULE 2A — POLICE NEGOTIATING BOARD FOR SCOTLAND

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Status of the PNBS

- 1 (1) The PNBS— (a) is not a servant or agent...

Chairing and membership

- 2 (1) The PNBS is to consist of—

Temporary chairperson

- 3 (1) The PNBS may have a temporary chairperson if (for...

Disqualification from chairing

- 4 A person is disqualified from appointment, and from holding office,...

Constitution and procedure etc.

- 5 (1) It is for the Scottish Ministers to prepare the...

Process of arbitration

- 6 (1) Sub-paragraph (2) applies where— (a) a dispute is submitted...
7 (1) Sub-paragraph (2) applies for the purpose of arbitration in...
8 (1) Sub-paragraph (2) applies for the purpose of the operation...

Remuneration and expenses

- 9 (1) The Scottish Ministers may pay— (a) such remuneration to...

SCHEDULE 3 — Police appeals tribunals

Constitution and membership

- 1 (1) A police appeals tribunal is to consist of 3...

Member remuneration, allowances and expenses

- 2 The Authority is to pay to the members of a...

Expenses of proceedings

- 3 (1) The appellant is liable for the expenses incurred by...

Police appeals tribunal rules

- 4 The Scottish Ministers may make rules about the procedure on...

SCHEDULE 4 — Period before establishment of Police Service

- 1 This schedule applies during the period before the day on...
2 An appointment under section 7 has effect only where the...
3 An individual appointed under section 7— (a) holds the office...
4 Sections 18, 19, 21(1) and (2), 22 and 23 apply...
5 Despite paragraph 2(1) of schedule 1, the Authority may consist...
6 It is for the Authority to hold the chief constable...
7 The Authority may— (a) pay remuneration and allowances to, and...
8 The reference in section 4(1) to the Authority's functions includes...

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SCHEDULE 5 — Transfer of constables, staff and property etc.

Interpretation

- 1 In this schedule— “appointed day” has the meaning given by...

Appointed day

- 2 (1) The “appointed day”, for the purposes of this schedule,...

Constables to continue to hold office and rank

- 3 (1) Sub-paragraphs (2) to (6) apply to an individual who,...

Senior officers appointed under section 7

- 4 An individual who, immediately before the appointed day, holds the...

Senior officers

- 5 (1) Sub-paragraph (2) applies to an individual who—

Constables serving in police forces

- 6 Any individual serving as a constable of a police force...

Constables serving in SPSA or SCDEA

- 7 (1) An individual who, immediately before the appointed day, is...

Constables – temporary service arrangements

- 8 (1) Sub-paragraph (2) applies where, by virtue of any arrangement...

Acts done before transfer

- 9 (1) Anything done before the appointed day by or in...

Limitation on mobility of transferred constables

- 10 (1) Sub-paragraph (2) applies to a constable of the Police...

Transfer of police staff

- 11 (1) An individual is a “police employee” for the purposes...

Staff transfer scheme

- 12 (1) The Scottish Ministers may make a staff transfer scheme....

Police staff appointed under contract for services

- 13 (1) A contract for services entered into by a police...

Police cadets

- 14 An individual who, immediately before the appointed day, is a...

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Police custody and security officers

15 An individual who is, immediately before the appointed day, certified...

Her Majesty's inspectorate of constabulary in Scotland

16 (1) An individual who, immediately before the day on which...

Police property transfer scheme: transfers to Scottish Police Authority

17 (1) The Scottish Ministers may make a police property transfer...

Property transfer scheme: transfers to local authorities

18 (1) The Scottish Ministers may make a local authority property...

Property transfer schemes: general

19 (1) This paragraph applies in relation to a scheme under...

Transfer of liabilities of chief constables etc.

20 By virtue of this paragraph, any liabilities of a chief...

SCHEDULE 6 — Transfer of staff, property etc.

Interpretation

1 In this schedule— “appointed day” means such day as the...

Joint board staff

2 (1) A transferring employee's contract of employment has effect on...

Local authority staff and civil servants

3 (1) The Scottish Ministers may make a staff transfer scheme....

Transfers under paragraph 3: effect on contract of employment

4 (1) This paragraph applies where— (a) a person is to...

Property transfer scheme: transfers to SFRS

5 (1) The Scottish Ministers may make an SFRS property transfer...

Property transfer scheme: transfers to local authorities

6 (1) The Scottish Ministers may make a local authority property...

Property transfer schemes: general

7 (1) This paragraph applies in relation to a scheme under...

Transfer schemes: additional provision

8 A staff transfer scheme or a property transfer scheme under...

SCHEDULE 7 — Minor and consequential amendments

PART 1 — AMENDMENTS RELATING TO PART 1

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Police (Scotland) Act 1967 (c.77)

1

Health and Safety at Work etc. Act 1974 (c.37)

2 In section 51A of the Health and Safety at Work...

Rehabilitation of Offenders Act 1974 (c.53)

3 In section 9B of the Rehabilitation of Offenders Act 1974...

Slaughter of Animals (Scotland) Act 1980 (c.13)

4 In section 22 of the Slaughter of Animals (Scotland) Act...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)

5 In Schedule 1 to the Law Reform (Miscellaneous Provisions)
(Scotland)...

Civic Government (Scotland) Act 1982 (c.45)

6 (1) The Civic Government (Scotland) Act 1982 is amended as...

Roads (Scotland) Act 1984 (c.54)

7 (1) The Roads (Scotland) Act 1984 is amended as follows....

Prisons (Scotland) Act 1989 (c.45)

8 In section 14 of the Prisons (Scotland) Act 1989 (legalised...

Criminal Justice and Public Order Act 1994 (c.33)

9 (1) The Criminal Justice and Public Order Act 1994 is...

Local Government etc. (Scotland) Act 1994 (c.39)

10 In section 150(1) of the Local Government etc. (Scotland) Act...

Children (Scotland) Act 1995 (c.36)

11 (1) The Children (Scotland) Act 1995 is amended as follows....

Criminal Procedure (Scotland) Act 1995 (c.46)

12 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...

Police Act 1996 (c.16)

13 (1) The Police Act 1996 is amended as follows.

Police Act 1997 (c.50)

14 (1) The Police Act 1997 is amended as follows.

Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)

15 (1) The Regulation of Investigatory Powers (Scotland) Act 2000 is...

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Transport (Scotland) Act 2001 (asp 2)

16 (1) The Transport (Scotland) Act 2001 is amended as follows....

International Criminal Court (Scotland) Act 2001 (asp 13)

17 In section 15(2) of the International Criminal Court (Scotland) Act...

Protection from Abuse (Scotland) Act 2001 (asp 14)

18 In section 3 of the Protection from Abuse (Scotland) Act...

Scottish Public Services Ombudsman Act 2002 (asp 11)

19 (1) The Scottish Public Services Ombudsman Act 2002 is amended...

Freedom of Information (Scotland) Act 2002 (asp 13)

20 In schedule 1 to the Freedom of Information (Scotland) Act...

Criminal Justice (Scotland) Act 2003 (asp 7)

21 (1) The Criminal Justice (Scotland) Act 2003 is amended as...

Dog Fouling (Scotland) Act 2003 (asp 12)

22 In section 3 of the Dog Fouling (Scotland) Act 2003...

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

23 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003...

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

24 (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is amended...

Emergency Workers (Scotland) Act 2005 (asp 2)

25 In the Emergency Workers (Scotland) Act 2005, for section 7 (saving...

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)

26 (1) The Protection of Children and Prevention of Sexual Offences...

Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

27 In section 86(2) of the Charities and Trustee Investment (Scotland)...

Management of Offenders etc. (Scotland) Act 2005 (asp 14)

28 In section 10(7) of the Management of Offenders etc. (Scotland)...

Licensing (Scotland) Act 2005 (asp 16)

29 (1) The Licensing (Scotland) Act 2005 is amended as follows....

Housing (Scotland) Act 2006 (asp 1)

30 In section 166 of the Housing (Scotland) Act 2006 (interpretation...

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Edinburgh Tram (Line Two) Act 2006 (asp 6)

31 In section 62 of the Edinburgh Tram (Line Two) Act...

Edinburgh Tram (Line One) Act 2006 (asp 7)

32 In section 62 of the Edinburgh Tram (Line One) Act...

Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)

33 (1) The Police, Public Order and Criminal Justice (Scotland) Act...

Animal Health and Welfare (Scotland) Act 2006 (asp 11)

34 In section 49(6) of the Animal Health and Welfare (Scotland)...

Adult Support and Protection (Scotland) Act 2007 (asp 10)

35 (1) The Adult Support and Protection (Scotland) Act 2007 is...

Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)

36 (1) The Protection of Vulnerable Groups (Scotland) Act 2007 is...

Edinburgh Airport Rail Link Act 2007 (asp 16)

37 In section 38(5) of the Edinburgh Airport Rail Link Act...

Glasgow Commonwealth Games Act 2008 (asp 4)

38 (1) The Glasgow Commonwealth Games Act 2008 is amended as...

Marine (Scotland) Act 2010 (asp 5)

39 In paragraph 12(2)(b) of schedule 2 to the Marine (Scotland)...

Public Services Reform (Scotland) Act 2010 (asp 8)

40 (1) The Public Services Reform (Scotland) Act 2010 is amended...

Control of Dogs (Scotland) Act 2010 (asp 9)

41 In section 13 of the Control of Dogs (Scotland) Act...

Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)

42 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is...

Alcohol etc. (Scotland) Act 2010 (asp 18)

43 (1) The Alcohol etc. (Scotland) Act 2010 is amended as...

Children's Hearings (Scotland) Act 2011 (asp 1)

44 In section 61(3) of the Children's Hearings (Scotland) Act 2011...

Public Records (Scotland) Act 2011 (asp 12)

45 In the schedule to the Public Records (Scotland) Act 2011...

PART 2 — AMENDMENTS RELATING TO PART 2

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Gas Act 1965 (c.36)

46 In section 17(5) of the Gas Act 1965 (notification of...

Transport Act 1968 (c.73)

47 In section 102(4) of the Transport Act 1968 (exemption for...

Pensions (Increase) Act 1971 (c.56)

48 In paragraph 44 of Schedule 2 to the Pensions (Increase)...

Health and Safety at Work etc. Act 1974 (c.37)

49 In section 23(4)(b) of the Health and Safety at Work...

Control of Pollution Act 1974 (c.40)

50 In section 62(2)(a) of the Control of Pollution Act 1974...

Water (Scotland) Act 1980 (c.45)

51 (1) The Water (Scotland) Act 1980 is amended as follows....

Zoo Licensing Act 1981 (c.37)

52 In section 3(3) of the Zoo Licensing Act 1981 (appropriate...

Civic Government (Scotland) Act 1982 (c.45)

53 (1) The Civic Government (Scotland) Act 1982 is amended as...

Road Traffic Regulation Act 1984 (c.27)

54 In section 87(1)(a) of the Road Traffic Regulation Act 1984...

Cinemas Act 1985 (c.13)

55 (1) The Cinemas Act 1985 is amended as follows.

Housing (Scotland) Act 1987 (c.26)

56 In section 61(11) of the Housing (Scotland) Act 1987 (persons...

Strathclyde Regional Council Order Confirmation Act 1991 (c.xx)

57 In section 3(8)(a) of the Schedule to the Strathclyde Regional...

Vehicle Excise and Registration Act 1994 (c.22)

58 In Schedule 2 to the Vehicle Excise and Registration Act...

Merchant Shipping Act 1995 (c.21)

59 In section 135(1) of the Merchant Shipping Act 1995 (restrictions...

Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (c.xii)

60 In section 6(9) of the Schedule to the Scottish Borders...

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Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

61 In schedule 3 to the Ethical Standards in Public Life...

Scottish Public Services Ombudsman Act 2002 (asp 11)

62 In schedule 2 to the Scottish Public Services Ombudsman Act...

Freedom of Information (Scotland) Act 2002 (asp 13)

63 In schedule 1 to the Freedom of Information (Scotland) Act...

Local Government in Scotland Act 2003 (asp 1)

64 In section 16(1) of the Local Government in Scotland Act...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

65 In schedule 2 to the Public Appointments and Public Bodies...

Fire and Rescue Services Act 2004 (c.21)

66 (1) The Fire and Rescue Services Act 2004 is amended...

Emergency Workers (Scotland) Act 2005 (asp 2)

67 In section 1(3) of the Emergency Workers (Scotland) Act 2005...

Fire (Scotland) Act 2005 (asp 5)

68 (1) The Fire (Scotland) Act 2005 is amended as follows....

Gambling Act 2005 (c.19)

69 In section 157 of the Gambling Act 2005 (responsible authorities...

Housing (Scotland) Act 2006 (asp 1)

70 In paragraph 4 of schedule 2 to the Housing (Scotland)...

Corporate Manslaughter and Corporate Homicide Act 2007 (c.19)

71 In section 6(2) of the Corporate Manslaughter and Corporate Homicide...

Public Services Reform (Scotland) Act 2010 (asp 8)

72 (1) The Public Services Reform (Scotland) Act 2010 is amended...

Public Records (Scotland) Act 2011 (asp 12)

73 In the schedule to the Public Records (Scotland) Act 2011...

PART 3 — AMENDMENTS RELATING TO BOTH PARTS

Pipe-lines Act 1962 (c.58)

74 In section 37 of the Pipe-lines Act 1962 (persons to...

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Local Government etc. (Scotland) Act 1994 (c.39)

75 In section 43(4) of the Local Government etc. (Scotland) Act...

SCHEDULE 8 — Repeals

PART 1 — REPEALS RELATING TO PART 1

PART 2 — REPEALS RELATING TO PART 2

PART 3 — REPEALS RELATING TO BOTH PARTS

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 17(2) word repealed by [2017 asp 4 s. 2\(a\)\(i\)](#)
- s. 17(4)(b) word repealed by [2017 asp 4 s. 2\(b\)\(i\)](#)
- s. 125(2) words substituted by [2017 asp 4 s. 1\(2\)\(a\)](#)
- s. 125(4) words substituted by [2017 asp 4 s. 1\(2\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Ch. 12A inserted by [2017 asp 4 s. 1\(1\)](#)
- s. 17(2)(h) inserted by [2017 asp 4 s. 2\(a\)\(ii\)](#)
- s. 17(4)(b)(iv) inserted by [2017 asp 4 s. 2\(b\)\(ii\)](#)
- s. 20A inserted by [2017 asp 4 s. 3](#)