



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 5

BEST VALUE

37 Best value

- (1) It is the duty of the Authority to make arrangements which secure best value for the Authority (that is, a continuous improvement in the carrying out of the Authority's functions).
- (2) It is the duty of the chief constable to make arrangements which secure best value for the Police Service (that is, a continuous improvement in the carrying out of police functions).
- (3) In securing best value, the Authority and the chief constable must maintain an appropriate balance among—
 - (a) the quality of the carrying out of functions,
 - (b) the cost of carrying out functions,
 - (c) the cost to persons of any service provided for them on a wholly or partly rechargeable basis by the Authority or, as the case may be, under arrangements made by the chief constable.
- (4) In maintaining that balance, the Authority and the chief constable must have regard to—
 - (a) efficiency,
 - (b) effectiveness,
 - (c) economy, and
 - (d) the need to meet the equal opportunity requirements.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, CHAPTER 5 is up to date with all changes known to be in force on or before 07 May 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

- (5) The Authority and the chief constable must carry out their duties under this section in a way which contributes to the achievement of sustainable development.
- (6) In measuring the improvement of the carrying out of functions for the purposes of this section, regard is to be had to the extent to which the outcomes of the carrying out of the functions have improved.
- (7) In this section, “equal opportunity requirements” has the same meaning as in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998 (c.46).

38 Best value: further provision

- (1) In carrying out their respective duties under section 37(1) and (2), the Authority and the chief constable must have regard to—
 - (a) any relevant guidance issued by the Scottish Ministers, and
 - (b) what are, whether by reference to any generally recognised published code or otherwise, regarded as proper arrangements for the purposes of subsection (1) or, as the case may be, (2) of section 37 (or purposes which include those purposes).
- (2) In the event of a conflict in any respect between any matters to which the Authority or the chief constable is to have regard under subsection (1), the Authority or the chief constable must in that respect have regard only to those falling within paragraph (a).
- (3) Before issuing relevant guidance, the Scottish Ministers must consult—
 - (a) the Authority,
 - (b) the chief constable, and
 - (c) such other persons as they consider appropriate.
- (4) The Scottish Ministers may vary or revoke relevant guidance.
- (5) In this section “relevant guidance”—
 - (a) means guidance on the carrying out of the duties imposed by subsections (1) or (2) of section 37,
 - (b) includes, in particular, guidance on—
 - (i) how to make, and what is to be included in, the arrangements mentioned in those subsections,
 - (ii) how to implement the duties imposed by those subsections.

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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](#)