

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

SCHEDULE 7 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PART 1

Police (Scotland) Act 1967 (c.77)

F11

Textual Amendments

F1 Sch. 7 para. 1 omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 65](#)

Commencement Information

I1 Sch. 7 para. 1 in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

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

- 2 In section 51A of the Health and Safety at Work etc. Act 1974 (application of Part to police)—
- (a) in subsection (2E), for paragraph (a) substitute—
 - “(a) section 24 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);”
 - (b) in subsection (3)(b), for “each chief officer of police in Scotland” substitute “the chief constable of the Police Service of Scotland”.

Commencement Information

I2 [Sch. 7 para. 2](#) in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

Rehabilitation of Offenders Act 1974 (c.53)

- 3 In section 9B of the Rehabilitation of Offenders Act 1974 (unauthorised disclosure of spent alternatives to prosecution: Scotland), in subsection (1)(a)(ii), after “court,” insert “the Police Service of Scotland or another”.

Commencement Information

I3 [Sch. 7 para. 3](#) in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

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

- 4 In section 22 of the Slaughter of Animals (Scotland) Act 1980 (interpretation), in the definition of “constable” for “Police (Scotland) Act 1967” substitute “Police and Fire Reform (Scotland) Act 2012”.

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Commencement Information

I4 Sch. 7 para. 4 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

5 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Part I, in Group B—

- (a) after paragraph (f) insert—
 - “(fa) members and staff of the Scottish Police Authority;”,
- (b) for paragraph (i) substitute—
 - “(i) constables of the Police Service of Scotland (including constables engaged on temporary service within the meaning of section 15 of the Police and Fire Reform (Scotland) Act 2012 (asp 8));”,
- (c) for paragraph (n) substitute—
 - “(n) persons appointed under section 26(1) of the Police and Fire Reform (Scotland) Act 2012;”,
- (d) after paragraph (w) insert—
 - “(wza) persons who, at any time within the 5 years immediately preceding the date at which the eligibility, in terms of section 1 of this Act, for jury service is being considered, were members or employees of the Scottish Police Services Authority;”.

Commencement Information

I5 Sch. 7 para. 5 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 6 (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 8 (interpretation of Parts 1 and 2)—
- (a) for paragraph (a) of the definition of “authorised civilian employee” substitute—
 - “(a) appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8); and”,
 - (b) for the definition of “chief constable” substitute—
 - ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (3) In section 61(2) (protection of insecure premises), for “police authority” substitute “Scottish Police Authority”.
- (4) In section 62(12) (notification of processions), for the definition of “chief constable” substitute—

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- ““chief constable” means the chief constable of the Police Service of Scotland; and”.
- (5) In section 77(1) (financial provisions relating to lost or abandoned property) for the words from “police” where it first occurs to “1967” substitute “ Scottish Police Authority ”.
- (6) In section 79 (interpretation of Part 4), for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (7) In section 85(1) (financial provisions: property of persons in custody) for the words from “police” where it first occurs to “1967” substitute “ Scottish Police Authority ”.
- (8) In section 86(1) (interpretation of Part 7 etc.) for the words from “for” where it first occurs to the end substitute “ of the Police Service of Scotland. ”.
- (9) In section 86D (duty of care etc.), for “the proviso to section 17(3)(b) of the Police (Scotland) Act 1967” substitute “ section 17(3)(a) of the Police and Fire Reform (Scotland) Act 2012 ”.
- (10) In section 86F (retention of relevant property by police authority)—
- (a) in subsection (1)—
- (i) for “a chief constable” substitute “ the chief constable ”,
- (ii) for “police authority” substitute “ Scottish Police Authority ”,
- (b) the title of the section becomes “ **Retention of relevant property by Scottish Police Authority** ”.
- (11) In section 86J (references in Part 7A to “chief constable”), for the words from “for” where it first occurs to the end substitute “ of the Police Service of Scotland. ”.
- (12) In paragraph 3 of Schedule 2 (definitions)—
- (a) in the definition of “authorised civilian employee”, for paragraph (a) substitute—
- “(a) appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8); and”,
- (b) for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.
- (13) In Schedule 2A (retention and disposal of certain property)—
- (a) in paragraph 3, for the words “the proviso to section 17(3)(b) of the Police (Scotland) Act 1967” substitute “ section 17(3)(a) of the Police and Fire Reform (Scotland) Act 2012 ”,
- (b) in paragraph 8, for the definition of “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland;”.

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I6 Sch. 7 para. 6 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Roads (Scotland) Act 1984 (c.54)

- 7 (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 33(2) (snow gates), in the entry beginning with “constable” for the words from “sections” to “(interpretation)” substitute “ section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
- (3) In section 37(1)(a) (consultation and local inquiries as regards road humps), for the words from “officer” to “situated” substitute “ constable of the Police Service of Scotland ”.
- (4) In section 59(5) (control of obstructions in roads), for “police authority” substitute “ Scottish Police Authority ”.
- (5) In section 86 (removal of builders' skips causing danger or obstruction)—
- (a) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”,
 - (b) in subsection (5), for “police authority” (in both places where it occurs) substitute “ Scottish Police Authority ”,
 - (c) in subsection (6), for “police authority” substitute “ Scottish Police Authority ”.
- (6) In section 98 (control of stray and other animals on roads)—
- (a) in subsection (2), for “police authority” substitute “ Scottish Police Authority ”,
 - (b) in subsection (3), for “police authority” substitute “ Scottish Police Authority ”,
 - (c) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”.
- (7) After section 120, insert—

“120A Delegation by the Scottish Police Authority

- (1) The Scottish Police Authority may delegate to the chief constable of the Police Service of Scotland any of its functions under the sections mentioned in subsection (2).
- (2) The sections are—
 - (a) section 59;
 - (b) section 86; and
 - (c) section 98.”.

Commencement Information

I7 Sch. 7 para. 7 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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Prisons (Scotland) Act 1989 (c.45)

- 8 In section 14 of the Prisons (Scotland) Act 1989 (legalised police cells)—
- (a) in subsection (1)—
 - (i) for “a police authority” substitute “ the Scottish Police Authority ”,
 - (ii) for “police authority” where it second occurs substitute “ Scottish Police Authority ”,
 - (b) in subsection (3), in the proviso, for “police authority” substitute “ Scottish Police Authority ”,
 - (c) in subsection (4), for “police authority” substitute “ Scottish Police Authority ”,
 - (d) in subsection (5), for the words from “police” to “cells” substitute “ Scottish Police Authority ”.

Commencement Information

I8 Sch. 7 para. 8 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 9 (1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 102(5) (arrangements for the provision of prisoner escorts), for “prescribed under section 9(1A)(b) of the Police (Scotland) Act 1967 (c.77)” substitute “ under section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
 - (3) In section 163 (local authority powers to provide closed-circuit television)—
 - (a) in subsection (3), after “area” insert “ or, in Scotland, the local commander designated for the local authority's area ”,
 - (b) in subsection (4), after the definition of “local authority” insert—

““local commander” has the meaning given by section 44 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);”.

Commencement Information

I9 Sch. 7 para. 9 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 10 In section 150(1) of the Local Government etc. (Scotland) Act 1994 (traffic signs), for “chief officer of police for the area concerned” substitute “ chief constable of the Police Service of Scotland ”.

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I10 Sch. 7 para. 10 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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Children (Scotland) Act 1995 (c.36)

- 11 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 78 (powers of arrest etc. in relation to exclusion order)—
- (a) in subsection (4)—
 - (i) paragraphs (a) and (b) are repealed, and
 - (ii) after “delivered” insert “ to the chief constable of the Police Service of Scotland ”,
 - (b) in subsection (5), for “each chief constable specified in subsection (4) above” substitute “ the chief constable of the Police Service of Scotland ”.
- (3) In section 93(1) (interpretation of Part 2), in the definition of “constable” for “a police force within the meaning of the Police (Scotland) Act 1967” substitute “ the Police Service of Scotland ”.

Commencement Information

III Sch. 7 para. 11 in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

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

- 12 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 12 (instructions by Lord Advocate as to reporting of offences)—
- (a) for first “a” substitute “ the ”,
 - (b) the words from “within” to “therewith” are repealed.
- (3) In section 18(4)(b) (prints, samples etc. in criminal investigations), for “any police force” substitute “ the Police Service of Scotland ”.
- (4) In section 18A (retention of samples etc.: prosecutions for sexual and violent offences)—
- (a) in subsection (5), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
 - (b) in subsection (11), the definition of “the relevant chief constable” is repealed.
- (5) In section 18C (section 18B: extension of retention period where relevant offer relates to certain sexual or violent offences)—
- (a) in subsection (2), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
 - (b) in subsection (11), the definition of “the relevant chief constable” is repealed.
- (6) In section 18F (retention of samples etc. relating to children: appeals)—
- (a) in subsection (1), for “relevant chief constable” substitute “ chief constable of the Police Service of Scotland ”,
 - (b) in subsection (10), the definition of “the relevant chief constable” is repealed.
- (7) In section 19(4)(b) (prints, samples etc. in criminal investigations: supplementary provisions), for “police force which instructed the analysis” substitute “ Police Service of Scotland ”.
- (8) In section 19C (use of certain samples etc.)—

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- (a) in subsection (1)(e)—
 - (i) for paragraph (i) substitute—
 - “(i) the Police Service of Scotland (“the Police Service”),”,
 - (ii) in paragraph (ii), for “Services Authority” substitute “ Authority (“the Authority”),”,
 - (iii) in paragraph (iii), for “a police force” substitute “ the Police Service or the Authority ”,
 - (b) in subsection (4), for the words from “a” where it first occurs to “force” where it third occurs substitute “ the Police Service, the Authority or a person acting on behalf of the Police Service or the Authority, the Police Service ”,
 - (c) in subsection (5), for the words from “A” to “force” where it second occurs substitute “ The Police Service, the Authority or a person acting on behalf of the Police Service or the Authority ”.
- (9) In section 194I(4) (power of Scottish Criminal Cases Review Commission to obtain documents), in the definition of “public body”, for paragraph (a) substitute—
“(a) the Police Service of Scotland;”.
- (10) In section 307(1) (interpretation)—
 - (a) in the definition of “constable”, for “Police (Scotland) Act 1967” substitute “ Police and Fire Reform (Scotland) Act 2012 ”,
 - (b) in the definition of “officer of law”, for paragraph (c) substitute—
 - “(c) any person who is appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012 who is either authorised by the chief constable of the Police Service of Scotland in relation to such service and execution or is a police custody and security officer;”.
- (11) In Schedule 9 (certificates as to proof of certain routine matters), in the entry for the Firearms Act 1968 (c.27), in the second column, for “police force maintained for the authority's area” substitute “ Police Service of Scotland ”.

Commencement Information

I12 Sch. 7 para. 12 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Police Act 1996 (c.16)

- 13 (1) The Police Act 1996 is amended as follows.
- (2) In section 59(2) (police federations), for “section 26(2A) of the Police (Scotland) Act 1967” substitute “ under section 48 of the Police and Fire Reform (Scotland) Act 2012 in so far as relating to the matters described in section 52 of that Act, ”.
 - (3) In section 60(2) (regulations for police federations)—
 - (a) in paragraph (c), for “police authorities” substitute “ the Scottish Police Authority ”,
 - (b) in paragraph (d), for “police authorities” substitute “ the Scottish Police Authority ”,

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- (c) in paragraph (e), for “26 of the Police (Scotland) Act 1967” substitute “ 48 of the Police and Fire Reform (Scotland) Act 2012 ”.

^{F2}(4)

- (5) In section 99(1) (jurisdiction of metropolitan police officers), for “a police force maintained under the Police (Scotland) Act 1967” substitute “ the Police Service of Scotland ”.

Textual Amendments

F2 Sch. 7 para. 13(4) repealed (17.8.2023) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 102** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2023/829, art. 2(d)(viii)

Commencement Information

I13 Sch. 7 para. 13(1)(2)(4)(5) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

I14 Sch. 7 para. 13(3) in force at 1.1.2013 by S.S.I. 2012/333, art. 2, **Sch.** (with Sch. 2 para. 3)

Police Act 1997 (c.50)

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 93 (authorisations to deal with property etc.)—
- (a) in subsection (3)—
- (i) after paragraph (za) insert—
- “(zb) if the authorising officer is within subsection (5)(d), by a constable of the Police Service of Scotland;”,
- (ii) in paragraph (a), for “(5)(d) to” substitute “ (5)(e), ”,
- (iii) after paragraph (e) insert—
- “(ea) if the authorising officer is within subsection (5) (ia), by a staff officer of the Police Investigations and Review Commissioner.”,
- (b) after subsection (3A) insert—
- “(3ZA) An authorisation under this section may be given by the authorising officer within subsection (5)(ia) only where it relates to the taking of action in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.”,
- (c) in subsection (5)—
- (i) for paragraph (d) substitute—
- “(d) the chief constable of the Police Service of Scotland, or any deputy chief constable or assistant chief constable of the Police Service of Scotland who is designated for the purposes of this paragraph by the chief constable;”,
- (ii) after paragraph (i) insert—
- “(ia) the Police Investigations and Review Commissioner.”,
- (d) in subsection (6)(b), for the words from “of” to “maintained” substitute “ or (ia) of subsection (5), means Scotland ”.

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- (3) In section 94 (authorisations given in absence of authorising officer)—
- (a) in subsection (1)(b), for “, (c) or (d)” substitute “ or (c) ”,
 - (b) in subsection (2), after paragraph (g) insert—
 - “(ga) where the authorising officer is within paragraph (ia) of that subsection, by a staff officer of the Police Investigations and Review Commissioner who is designated by the Commissioner for the purposes of this section.”.
- (4) In section 95 (authorisations: form and duration etc.)—
- (a) in subsection (6), for “or (e),” substitute “, (d), (e) ”,
 - (b) in subsection (7), for “, (c), (d) or (j)” substitute “ or (c) ”.
- (5) In section 105(3) (appeals), for “, (c) or (d)” substitute “ or (c) ”.
- (6) In section 107(4) (supplementary provisions)—
- (a) in paragraph (a), for “police authority” substitute “ the Scottish Police Authority ”,
 - (b) after paragraph (b) insert—
 - “(bza) the functions of the Police Investigations and Review Commissioner under section 33A(b)(i) of the Police, Public Order and Criminal Justice (Scotland) Act 2006,”.
- (7) In section 120A(4) (refusal and cancellation of registration), for “A chief constable of a police force in Scotland” substitute “ The chief constable of the Police Service of Scotland ”.
- (8) In section 126 (interpretation of Part 5)—
- (a) in the definition of “chief officer”, for sub-paragraph (ii) substitute—
 - “(ii) the chief constable of the Police Service of Scotland, and”,
 - (b) in the definition of “police authority”, for sub-paragraph (i) substitute—
 - “(i) the Scottish Police Authority, and”.

Commencement Information

I15 Sch. 7 para. 14 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 15 (1) The Regulation of Investigatory Powers (Scotland) Act 2000 is amended as follows.
- (2) In section 5 (lawful surveillance etc.), in subsection (3)(b), for “a police force” substitute “ the Police Service ”.
- (3) In section 8(3) (entitlement to grant authorisations)—
- (a) for paragraph (a) substitute—
 - “(aa) the Police Service;”,
 - (b) after paragraph (c) insert—
 - “(ca) the Police Investigations and Review Commissioner;”.
- (4) In section 10(1A) (persons who may authorise intrusive surveillance)—

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- (a) in paragraph (a), for “every police force” substitute “ the Police Service and any other senior officer of the Police Service who is designated by the chief constable for the purposes of this section ”,
 - (b) after paragraph (a) insert—
 - “(aa) the Police Investigations and Review Commissioner;”.
- (5) In section 11 (rules for grant of authorisations)—
- (a) in subsection (1)—
 - (i) for “a police force” substitute “ the Police Service ”,
 - (ii) for “member of the same force” substitute “ constable of the Police Service ”,
 - (b) for subsection (2) substitute—
 - “(2) An authorisation for the carrying out of intrusive surveillance shall not be granted by the chief constable or any other senior officer of the Police Service except on an application by a constable of the Police Service.”,
 - (c) after subsection (2) insert—
 - “(2A) The Police Investigations and Review Commissioner shall not grant an authorisation for the carrying out of intrusive surveillance except—
 - (a) on an application by one of the Commissioner's staff officers; and
 - (b) where the intrusive surveillance is to be carried out in relation to an investigation carried out in pursuance of paragraph (b)(i) of section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006.”,
 - (d) in subsection (4)—
 - (i) in paragraph (a)—
 - (A) for the words from “by” to “Agency” substitute “—
 - (i) by, or on the application of, a constable of the Police Service;”,
 - (B) after the words inserted by paragraph (A) insert—
 - “(ii) by the Police Investigations and Review Commissioner; or
 - (iii) by, or on the application of, a staff officer of the Police Investigations and Review Commissioner”,
 - (ii) in paragraph (b)(i), for the words from “member” to “or” substitute “constable of the Police Service, the Police Service; or
 - (ia) where that individual is the Police Investigations and Review Commissioner or a staff officer of that Commissioner, the Commissioner.”.
- (6) After section 12 insert—

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“12ZA Grant of authorisation in cases of urgency: Police Investigations and Review Commissioner

- (1) This section applies in the case of an application to the Police Investigations and Review Commissioner for an authorisation for the carrying out of intrusive surveillance where the case is urgent.
- (2) If it is not reasonably practicable, having regard to the urgency of the case, for the application to be considered by the Police Investigations and Review Commissioner, the application may be made to and considered by any staff officer of the Commissioner whom the Commissioner designates for the purposes of this section.”.
- (7) In section 14(5)(a) (approval required for authorisations to take effect), for the words from “member” to “and” substitute “constable of the Police Service, the chief constable of the Police Service; and
 - (aa) in relation to an authorisation granted on an application by a staff officer of the Police Investigations and Review Commissioner, the Police Investigations and Review Commissioner.”.
- (8) In section 16 (appeals against decisions by Surveillance Commissioners)—
 - (a) in the opening words of subsection (1), for the words from “A” to “Agency” substitute “ A person who granted an authorisation for the carrying out of intrusive surveillance ”,
 - (b) in subsection (1)(a), for the words from “an”, where second occurring, to “surveillance” substitute “ the authorisation ”,
 - (c) in subsection (1)(b), for “such an” substitute “ the ”,
 - (d) after subsection (1) insert—
 - “(1A) Where an authorisation for the carrying out of intrusive surveillance is granted by a senior officer of the Police Service designated by the chief constable under section 10(1A)(a), the chief constable shall also be entitled to appeal under this section.
 - (1B) Where an authorisation for the carrying out of intrusive surveillance is granted by a staff officer designated by the Police Investigations and Review Commissioner under section 12ZA(2), the Commissioner shall also be entitled to appeal under this section.”.”.
- (9) In section 18 (information to be provided to the Surveillance Commissioners)—
 - (a) in paragraph (a), for “member of a police force” substitute “ constable of the Police Service ”,
 - (b) after that paragraph insert—
 - “(aa) the Police Investigations and Review Commissioner and every staff officer of the Commissioner,”.
- (10) In section 20 (cancellation of authorisations) after subsection (2) insert—
 - “(2A) Where an authorisation under this Act was granted or, as the case may be, last renewed by a senior officer of the Police Service and it is not reasonably practicable for that senior officer to cancel it under subsection (1) above, any senior officer of the Police Service designated by the chief constable for the

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purposes of section 10 above may cancel the authorisation if satisfied as to either of the matters mentioned in subsection (1) above.

(2B) Where an authorisation under this Act was granted or, as the case may be, last renewed by the Police Investigations and Review Commissioner and it is not reasonably practicable for the Commissioner to cancel it under subsection (1) above, any person designated by the Commissioner for the purposes of section 12ZA above may cancel the authorisation if satisfied as to either of the matters mentioned in subsection (1) above.”.

- (11) In section 23(5)(b) (complaints to the Tribunal)—
- (a) for “a police force” substitute “ the Police Service ”,
 - (b) after the words inserted by sub-paragraph (a) insert “ or to the Police Investigations and Review Commissioner ”,
 - (c) repeal the words “or to the Scottish Crime and Drug Enforcement Agency”.
- (12) In section 24(2)(b) (issue and revision of codes of practice)—
- (a) for “a police force” substitute “ the Police Service ”,
 - (b) after the words inserted by sub-paragraph (a) insert “ or to the Police Investigations and Review Commissioner ”,
 - (c) repeal the words “or to the Scottish Crime and Drug Enforcement Agency”.
- (13) In section 26(4)(c) (effect of codes of practice)—
- (a) for “a police force” substitute “ the Police Service ”,
 - (b) after the words inserted by sub-paragraph (a) insert “ or the Police Investigations and Review Commissioner ”.
- (14) In section 31(interpretation)—
- (a) in subsection (1), for the definition of “police force” substitute—

““Police Service” means the Police Service of Scotland;”,
 - (b) after the definition of “residential premises” insert—

““senior officer” has the same meaning as in the Police and Fire Reform (Scotland) Act 2012 (asp 8);”,
 - (c) after subsection (4) insert—

“(4A) References in this Act to a staff officer of the Police Investigations and Review Commissioner are references to any person who—

 - (a) is a member of the Commissioner's staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006; or
 - (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.”.

Commencement Information

I16 Sch. 7 para. 15 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

Transport (Scotland) Act 2001 (asp 2)

- 16 (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) In section 5(4) (consultation as to proposed quality partnership scheme), for paragraph (f) substitute—
“(fa) the chief constable of the Police Service of Scotland;”.
- (3) In section 15(3) (consultation as to proposed quality contract scheme), for paragraph (g) substitute—
“(ga) the chief constable of the Police Service of Scotland;”.

Commencement Information

I17 Sch. 7 para. 16 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 17 In section 15(2) of the International Criminal Court (Scotland) Act 2001 (service of process), for “for the area in which the person appears to be” substitute “of the Police Service of Scotland”.

Commencement Information

I18 Sch. 7 para. 17 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 18 In section 3 of the Protection from Abuse (Scotland) Act 2001 (notification to police), in the closing words of subsection (1), for the words from “any” to “recalled.” substitute “the Police Service of Scotland.”.

Commencement Information

I19 Sch. 7 para. 18 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 19 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- (2) In schedule 2 (listed authorities), for paragraph 32A substitute—
“32A The Police Investigations and Review Commissioner.”.
- (3) In paragraph 1 of schedule 4 (matters which the Ombudsman must not investigate) for sub-paragraph (c) substitute—
“(c) by the Police Investigations and Review Commissioner;”.

Commencement Information

I20 Sch. 7 para. 19 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

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

- 20 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities)—
- (a) in paragraph 6, for “Chief Inspector” substitute “ Inspectors ”,
 - (b) in paragraph 50, for “a police force in Scotland” substitute “ the Police Service of Scotland ”,
 - (c) for paragraph 75A (as inserted by paragraph 11(b) of schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 and relating to the Police Complaints Commissioner for Scotland), substitute—
 - “75AB The Police Investigations and Review Commissioner.”.

Commencement Information

I21 Sch. 7 para. 20 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Criminal Justice (Scotland) Act 2003 (asp 7)

- 21 (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) In section 56(4)(retaining sample or relevant physical data where given voluntarily)
- (a) in paragraph (a), for the words from “police” to “provided;” substitute “ Police Service of Scotland; ”,
 - (b) in paragraph (b)—
 - (i) in the opening words, repeal the words “within the area of that force”,
 - (ii) in sub-paragraph (i), repeal the words “of the force”.

Commencement Information

I22 Sch. 7 para. 21 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Dog Fouling (Scotland) Act 2003 (asp 12)

- 22 In section 3 of the Dog Fouling (Scotland) Act 2003 (exceptions to offence), in subsection (1)(c)—
- (a) for “Forces,” substitute “ Forces or ”,
 - (b) for “the police force for any area” insert “ by a constable of the Police Service of Scotland ”.

Commencement Information

I23 Sch. 7 para. 22 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 23 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 is amended as follows.

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- (2) In section 8(3) (duty to bring specific matters to attention of Scottish Ministers and others etc.), for paragraph (l) substitute—
“(la) the Police Service of Scotland;”.
- (3) In section 17(2) (duties of the Scottish Ministers, local authorities and others as respects Commission), for paragraph (f) substitute—
“(fa) the Police Service of Scotland;”.
- (4) In section 35(2)(a) (warrants relating to inquiries into individual cases), for sub-paragraph (iii), substitute—
“(iia) any constable of the Police Service of Scotland;”.
- (5) In section 292(3) (warrant to enter premises for purposes of taking patient)—
 - (a) in paragraph (a), for sub-paragraph (iii) substitute—
“(iia) any constable of the Police Service of Scotland;”,
 - (b) in paragraph (b), for the words from “of” where it first occurs to “situated” substitute “ of the Police Service of Scotland ”.
- (6) In section 293(3) (removal to place of safety), in paragraph (a), for paragraph (iii) substitute—
“(iia) any constable of the Police Service of Scotland;”.

Commencement Information

I24 Sch. 7 para. 23 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 24 (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is amended as follows.
- (2) In section 1 (antisocial behaviour strategies)—
 - (a) in subsection (1), for “relevant” substitute “ the ”,
 - (b) in subsection (11), for the entry for “relevant chief constable” substitute—
““chief constable” means the chief constable of the Police Service of Scotland.”.
 - (3) In section 2(6) (reports and information), for “relevant chief constable” substitute “ chief constable ”.
 - (4) In section 15(4) (records of orders), for paragraph (d) substitute—
“(d) the chief constable of the Police Service of Scotland;”.
 - (5) In section 18 (interpretation), in the entry for “relevant consultees”—
 - (a) in paragraph (a), for sub-paragraphs (i) and (ii) substitute—
“(ia) the chief constable of the Police Service of Scotland;”,
 - (b) in paragraph (b)—
 - (i) for sub-paragraph (i) substitute—
“(i) the chief constable of the Police Service of Scotland;”,

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- (ii) in sub-paragraph (ii), for “that person” substitute “ the person in respect of whom the order is sought or made ”.
- (6) In section 31(4) (enforcement), for “for the area in which the premises are situated” substitute “ of the Police Service of Scotland ”.
- (7) In section 35 (reimbursement of expenditure)—
 - (a) in subsection (1), for “a police authority” substitute “ the Scottish Police Authority ”,
 - (b) in subsection (3)(a)—
 - (i) in sub-paragraph (i), for the words from “police” to “situated;” substitute “ Scottish Police Authority; ”,
 - (ii) in sub-paragraph (ii), for “a police authority” substitute “ the Scottish Police Authority ”.
- (8) In section 119(4) (records of antisocial behaviour orders made in criminal courts), for paragraph (d) substitute—
 - “(d) the chief constable of the Police Service of Scotland;”.
- (9) In section 139(5) (disclosure and sharing of information), for paragraph (b) substitute—
 - “(b) the chief constable of the Police Service of Scotland;”.

Commencement Information

I25 Sch. 7 para. 24 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Emergency Workers (Scotland) Act 2005 (asp 2)

- 25 In the Emergency Workers (Scotland) Act 2005, for section 7 (saving for certain other offences) substitute—

“7A Interaction with offence of assaulting or impeding police

Nothing in this Act affects (or is affected by) section 90(2) of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (assaulting or impeding police).”.

Commencement Information

I26 Sch. 7 para. 25 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

^{F3}26

Textual Amendments

F3 Sch. 7 para. 26 repealed (31.3.2023) by *Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22)*, s. 45(2)(3), **sch. 2 para. 8** (with s. 44); S.S.I. 2023/51, reg. 2 (with regs. 3, 4(6))

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

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

- 27 In section 86(2) of the Charities and Trustee Investment (Scotland) Act 2005 (local authority consents), for “police force for the area” substitute “ Police Service of Scotland ”.

Commencement Information

I27 Sch. 7 para. 27 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 28 In section 10(7) of the Management of Offenders etc. (Scotland) Act 2005 (arrangements for assessing and managing risks posed by certain offenders), for paragraph (a) substitute—
“(a) the chief constable of the Police Service of Scotland;”.

Commencement Information

I28 Sch. 7 para. 28 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Licensing (Scotland) Act 2005 (asp 16)

- 29 (1) The Licensing (Scotland) Act 2005 is amended as follows.
- (2) In each of the provisions mentioned in sub-paragraph (3), for each occurrence of the expression “appropriate chief constable” substitute “ chief constable ”.
- (3) The provisions are—
section 6(5)(a),
section 7(4)(a),
section 21(1)(d), (2)(a) and (3),
section 22(2A),
section 23(6)(a) and (b),
section 24(5)(b), (6) and (10)(a),
section 24A(1) and (2),
section 26(3),
section 27A(9)(b)(i),
section 33(4), (5) and (7),
section 40A(3),
section 44(2), (3), (6) and (7),
section 47(4A),
section 48(2A),
section 49(2A),
section 51(1)(b),
section 56(10),
section 57(1)(a),
section 61(1)(b),
section 67(4)(a)(i),

Changes to legislation: *Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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*

- section 69(1)(a) and (2),
 section 70(1)(a) and (4)(b),
 section 73(1), (2) and 73(4),
 section 74(2)(b), (5)(b), (5A)(b) and (7)(b),
 section 75(4)(b) and 75(5),
 section 79(2)(b),
 section 83(2), (3), (5), (6), (7), (8)(b)(ii) and (10)(b).
- (4) In section 12A(1) (chief constables' reports to Licensing Boards and Local Licensing Forums)—
- (a) for “Every” substitute “ The ”,
 (b) repeal the words “whose area falls within the police area of the chief constable”.
- (5) The title to section 12A becomes “ **Chief constable's reports to Licensing Boards and Local Licensing Forums** ”.
- (6) In section 84A (power of chief constable to report conduct inconsistent with the licensing objectives)—
- (a) in subsection (1), for “a chief constable” substitute “ the chief constable ”,
 (b) in subsection (2), for “a chief constable” substitute “ the chief constable ”.
- (7) In section 105(3) (purchase of alcohol by or for a child or young person), for “A chief constable” substitute “ The chief constable ”.
- (8) In section 147(1) (interpretation), for the entry for “appropriate chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland.”.
- (9) In section 148 (index of defined expressions) for the words “appropriate chief constable” substitute “ chief constable ”.
- (10) In paragraph 2(6) of schedule 2 (membership of local licensing forums), for paragraph (b) substitute—
- “(ba) the chief constable.”.

Commencement Information

I29 Sch. 7 para. 29 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Housing (Scotland) Act 2006 (asp 1)

- 30 In section 166 of the Housing (Scotland) Act 2006 (interpretation of Part relating to houses in multiple occupation), for the entry for “chief constable” substitute—
- ““chief constable” means the chief constable of the Police Service of Scotland.”.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

Commencement Information

I30 Sch. 7 para. 30 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 31 In section 62 of the Edinburgh Tram (Line Two) Act 2006 (power to contract for police services), in subsection (1)—
- (a) in paragraph (a), for the words “chief officer of police of any police force and the police authority” substitute “ Scottish Police Authority ”,
 - (b) in the closing words, for “members of the police force” substitute “ the Police Service of Scotland ”.

Commencement Information

I31 Sch. 7 para. 31 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 32 In section 62 of the Edinburgh Tram (Line One) Act 2006 (power to contract for police services), in subsection (1)—
- (a) in paragraph (a), for the words “chief officer of police of any police force and the police authority” substitute “ Scottish Police Authority ”,
 - (b) in the closing words, for “members of the police force” substitute “ the Police Service of Scotland ”.

Commencement Information

I32 Sch. 7 para. 32 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 33 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.
- (2) In section 34 (“relevant complaint” and “person serving with police”)—
- (a) in subsection (1), after “is” insert “ made, ”,
 - (b) in subsection (2)—
 - (i) for “written statement” substitute “ statement (whether oral, written or electronic) ”,
 - (ii) for paragraphs (a) to (e) substitute—
 - “(a) by the Authority;
 - (b) by the Police Service; or”,
 - (c) after subsection (2), insert—
 - “(2A) A “complaint” may relate to—
 - (a) any action taken, or failed to be taken, by or on behalf of the subject of the complaint;

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- (b) the standard of any service which the subject of the complaint has provided or failed to provide.”.
- (3) In section 35 (examination of manner of handling of complaint)—
 - (a) in subsection (3), after paragraph (b) insert “; and
 - (c) if the Commissioner considers it appropriate to do so, publish the report drawn up under paragraph (b) in such manner as the Commissioner considers appropriate.”,
 - (b) in subsection (8)(b), for the words from “any” to “authority” substitute “ the Authority where the appropriate authority is the chief constable ”,
 - (c) in subsection (10), for the words from “proceedings” to “procedures” substitute “ procedures made by regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) for dealing with constables whose standard of behaviour or performance is unsatisfactory ”.
- (4) In section 36—
 - (a) in subsection (1), after “subsection” insert “ (1A) or ”,
 - (b) after subsection (1) insert—
 - “(1A) This subsection applies to a complaint handling review if—
 - (a) it relates or, if it took place, would relate to a relevant complaint in respect of which the appropriate authority in relation to the complaint—
 - (i) has concluded its consideration of the complaint; and
 - (ii) has communicated its findings to the complainer;
 - (b) a period of 3 months or longer has elapsed between the date on which those findings were so communicated and the date on which the Commissioner was requested to carry out the complaint handling review; and
 - (c) the Commissioner is not satisfied that there are exceptional circumstances which justified the delay in requesting the review.”.
- (5) After section 40, insert—

“40A Arrangements for handling relevant complaints

- (1) The Commissioner must—
 - (a) keep under review all arrangements maintained by the Commissioner, the Authority and the chief constable for the handling of relevant complaints; and
 - (b) seek to secure that those arrangements—
 - (i) are efficient and effective;
 - (ii) contain and manifest an appropriate degree of independence; and
 - (iii) are adhered to.
- (2) The Commissioner may make such recommendations, or give such advice, for the modification of—
 - (a) the arrangements mentioned in subsection (1); or

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- (b) the practice of the Authority or the chief constable in relation to other matters,
as appear from the carrying out of the Commissioner's other functions to be necessary or desirable.”.”.
- (6) In section 41 (appropriate authority in relation to complaint), for paragraphs (a) to (j) of subsection (1) substitute—
 - “(a) the Authority in cases where the complaint is about an act or omission by—
 - (i) the Authority;
 - (ii) a senior officer of the Police Service; or
 - (iii) a member of the Authority's staff; and
 - (b) the chief constable in cases where the complaint is about an act or omission by—
 - (i) the Police Service;
 - (ii) a constable of the Police Service who is not a senior officer; or
 - (iii) a member of the police staff.”.
- (7) In section 43 (reports to Scottish Ministers)—
 - (a) in subsection (4), for “42(d)” substitute “ 40A(2) ”,
 - (b) in subsection (6)—
 - (i) in paragraph (a), for the words from “all” to “Act” substitute “ the Authority, the chief constable and the inspectors of constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”,
 - (ii) in paragraph (b), for “all relevant authorities and to” substitute “ the Authority, the chief constable and ”,
 - (c) after subsection (7) insert—

“(8) Nothing in this section requires or authorises the Commissioner to report on the carrying out of a particular investigation carried out on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A.”.
- (8) In section 44 (provision of information to the Commissioner)—
 - (a) in subsection (1), for “A relevant authority” substitute “ The Authority and the chief constable ”,
 - (b) in subsection (2)—
 - (i) for “A relevant authority” substitute “ The Authority and the chief constable ”,
 - (ii) for “that person” (in paragraph (a)) substitute “ the Authority or, as the case may be, the chief constable ”,
 - (c) in subsection (3), for “any person” substitute “ the Authority or the chief constable ”,
 - (d) in subsection (4)—
 - (i) for “a relevant authority” substitute “ the Authority or the chief constable ”,
 - (ii) for “the authority” substitute “ the Authority or, as the case may be, the chief constable ”.

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- (9) In section 45 (power of Commissioner to issue guidance)—
- (a) in subsection (1)(a), for “relevant authorities” substitute “ the Authority or the chief constable ”,
 - (b) in subsection (2), for paragraph (a) substitute—
 - “(a) the Authority and the chief constable;”.
- (10) In section 46 (disclosure of information), after subsection (5) insert—
- “(6) Nothing in this section requires or authorises the disclosure of any information relating to a particular investigation carried out by the Commissioner on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A (unless the appropriate prosecutor consents to such disclosure).”.
- (11) For section 47 substitute—

“47 Interpretation of Chapter 2

In this Chapter—

- “appropriate prosecutor” means the Lord Advocate or procurator fiscal;
- “the Authority” means the Scottish Police Authority;
- “chief constable” means the chief constable of the Police Service;
- “the Commissioner” means the Police Investigations and Review Commissioner;
- “constable” means a constable of the Police Service;
- “financial year” means each yearly period ending with 31 March;
- “firearm” has the meaning given by section 57(1) of the Firearms Act 1968 (c.27);
- “member of the Authority's staff” and “member of the police staff” have the same meanings as in the Police and Fire Reform (Scotland) Act 2012 (asp 8);
- “person serving with the police” means—
 - (a) a constable of the Police Service;
 - (b) a member of the police staff; or
 - (c) a member of the Authority's staff;
- “Police Service” means the Police Service for Scotland;
- “relevant complaint” has the meaning given by section 34;
- “senior officer” has the same meaning as in the Police and Fire Reform (Scotland) Act 2012.”.

- (12) In section 52(1) (application for football banning order)—
- (a) in the opening words, for “a police force” substitute “ the Police Service of Scotland ”,
 - (b) paragraphs (a) and (b) are repealed.
- (13) In section 57(3) (variation of football banning order)—
- (a) in paragraph (b), for the words from “police” to “resides” substitute “ Police Service of Scotland ”,
 - (b) paragraphs (c) and (d) are repealed.

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- (14) In section 69(1) (interpretation), in the definition of “the football banning orders authority”, for the words from “police force” to “area” substitute “ Police Service of Scotland ”.
- (15) In section 103(4)(a) (subordinate legislation)—
- (a) “or”, where second occurring, is repealed, and
 - (b) after “schedule 2” insert “ or paragraph 7A(8) or 7B(4) of schedule 4 or regulations under section 41D(1) ”.
- (16) For the title of schedule 4 substitute— “ THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER ”.
- (17) In schedule 4—
- (a) in paragraph 2(1)—
 - (i) in sub-paragraph (b), for “a police force” substitute “ the Police Service (or of a police force previously maintained under the Police (Scotland) Act 1967 (c.77)) ”,
 - (ii) after sub-paragraph (d) insert—
“(da) is or has been a member of the Authority;”,
 - (iii) in sub-paragraph (e), after “Authority” insert “ or has been a member of staff of the body which was known as the Scottish Police Services Authority ”,
 - (iv) in sub-paragraph (g) after “been” insert “ employed as a member of police staff or as a member of the Authority's staff or has been ”,
 - (b) in paragraph 3—
 - (i) in sub-paragraph (2)(a), for “3” substitute “ 5 ”,
 - (ii) in sub-paragraph (2)(b), for “2” substitute “ 3 ”,
 - (c) after paragraph 7 insert—

“Staff officers

- 7A (1) The Commissioner may make arrangements for constables of the Police Service to be appointed to serve as members of the Commissioner's staff.
- (2) The Commissioner may make arrangements for a person falling within sub-paragraph (3) to be appointed to serve as a member of the Commissioner's staff.
- (3) A person falls within this sub-paragraph if the person is a member of—
- (a) a police force maintained under section 2 of the Police Act 1996 (c.16);
 - (b) the metropolitan police force;
 - (c) the City of London police force;
 - (d) the Police Service of Northern Ireland;
 - (e) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c.4);
 - (f) the British Transport Police Force;
 - (g) the Civil Nuclear Constabulary;

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- (h) the States of Jersey Police Force;
 - (i) the salaried police force of the Island of Guernsey; or
 - (j) the Isle of Man Constabulary.
- (4) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2) is to be appointed on such terms and conditions (including as regards remuneration, allowances and expenses) as the Commissioner determines.
- (5) The Commissioner's determination under sub-paragraph (4) may be made by reference to provision made by regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).
- (6) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2)—
- (a) has all the powers and privileges of a constable throughout Scotland; and
 - (b) is subject to the direction and control of the Commissioner.
- (7) The Commissioner is liable in respect of any unlawful conduct on the part of any constable or other person appointed under arrangements made under sub-paragraph (1) or (2) in the carrying out (or purported carrying out) of that person's functions in the same manner as an employer is liable in respect of any unlawful conduct on the part of an employee in the course of employment.
- (8) The Scottish Ministers may by order apply any provision of the Police and Fire Reform (Scotland) Act 2012 or any other enactment relating to constables (including any such provision or other enactment creating offences against or as regards constables), with such modifications as are considered appropriate, in relation to a person appointed under arrangements made under sub-paragraph (2).

Staff involved in investigations

- 7B (1) The Commissioner may designate—
- (a) any member of the Commissioner's staff appointed under paragraph 7 or 7A to take charge of any investigation on behalf of the Commissioner; and
 - (b) other members of the Commissioner's staff to assist the member designated to take charge.
- (2) This sub-paragraph applies to a person who is a member of the Commissioner's staff appointed under paragraph 7 and is designated under sub-paragraph (1).
- (3) A person to whom sub-paragraph (2) applies—
- (a) has all the powers and privileges of a constable throughout Scotland; but
 - (b) is not as a result of the designation to be treated as being in police service for the purposes of—

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

- (i) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52); or
 - (ii) section 200 of the Employment Rights Act 1996 (c.18).
- (4) The Scottish Ministers may by order apply any enactment relating to the investigation of offences by constables (subject to such modifications as they consider appropriate) in relation to investigations carried out in pursuance of paragraph (b)(i) of section 33A by a member of the Commissioner's staff designated under sub-paragraph (1).”
- (d) in paragraph 11—
- (i) the existing text becomes sub-paragraph (1),
 - (ii) after that text insert—
- “(2) Nothing in this paragraph requires or authorises the provision of any information or document relating to a particular investigation carried out by the Commissioner on the direction of the appropriate prosecutor in pursuance of paragraph (b) of section 33A (unless the appropriate prosecutor consents to disclosure of the information or document).”

Commencement Information

- I33** Sch. 7 para. 33(1)-(14) in force at 1.4.2013 by S.S.I. 2013/51, art. 2
- I34** Sch. 7 para. 33(15) in force at 15.2.2013 by S.S.I. 2013/47, art. 2 (with art. 3)
- I35** Sch. 7 para. 33(16)(17) in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 34 In section 49(6) of the Animal Health and Welfare (Scotland) Act 2006 (vets, inspectors and constables), for the words “a police force” substitute “ the Police Service of Scotland ”.

Commencement Information

- I36** Sch. 7 para. 34 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 35 (1) The Adult Support and Protection (Scotland) Act 2007 is amended as follows.
- (2) In section 5(1) (co-operation), for paragraph (e) substitute—
“(e) the chief constable of the Police Service of Scotland.”.
 - (3) In section 27(3) (notification to police), for the words from “police” to “situated.” substitute “ Police Service of Scotland. ”.
 - (4) In section 42(3) (adult protection committees), for paragraph (d) substitute—
“(d) the chief constable of the Police Service of Scotland.”.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

Commencement Information

I37 Sch. 7 para. 35 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 36 (1) The Protection of Vulnerable Groups (Scotland) Act 2007 is amended as follows.
- (2) In section 18 (police information etc.)—
- (a) in subsection (1)—
 - (i) the words “of a police force or the Scottish Crime and Drug Enforcement Agency” are repealed,
 - (ii) the words “or the Scottish Crime and Drug Enforcement Agency” (where second occurring) are repealed,
 - (b) in subsection (2)—
 - (i) for “A person” substitute “The chief constable”,
 - (ii) for “person”, where second occurring, substitute “chief constable”,
 - (c) in subsection (3), for “appropriate police authority or the Scottish Police Services Authority” substitute “Scottish Police Authority”.
- (3) In section 38 (police access to lists of individuals barred from regulated work)—
- (a) in subsection (1), for the words from “chief” to “Agency” substitute “the chief constable”,
 - (b) in subsection (2), for the words from “police” to “Agency” substitute “constables of the Police Service of Scotland”.
- (4) In section 75 (sources of information)—
- (a) in subsection (2), for the words from “A” to “Agency” substitute “The chief constable”,
 - (b) in subsection (3)—
 - (i) for “A person” substitute “The chief constable”,
 - (ii) for “person”, where second occurring, substitute “chief constable”,
 - (c) in subsection (4), for the words “appropriate police authority or the Scottish Police Services Authority” substitute “Scottish Police Authority”.
- (5) In section 76 (police access to scheme information)—
- (a) in subsection (1)—
 - (i) in the opening words, for the words from “chief” to “Agency” substitute “the chief constable”,
 - (ii) in paragraph (c), for the words from “police forces” to “Agency” substitute “constables of the Police Service of Scotland”,
 - (b) in subsection (2) the words from “police forces” to “Agency” substitute “constables of the Police Service of Scotland”.
- (6) In section 97(1) (interpretation)—
- (a) in the definition of “chief constable”, for “a police force in Scotland” substitute “the Police Service of Scotland”,
 - (b) the definition of “police authority” is repealed.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

Commencement Information

I38 Sch. 7 para. 36 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Edinburgh Airport Rail Link Act 2007 (asp 16)

- 37 In section 38(5) of the Edinburgh Airport Rail Link Act 2007 (traffic regulation), for “Lothian and Borders Police” substitute “ the Police Service of Scotland ”.

Commencement Information

I39 Sch. 7 para. 37 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Glasgow Commonwealth Games Act 2008 (asp 4)

- 38 (1) The Glasgow Commonwealth Games Act 2008 is amended as follows.
- (2) In section 30(1) (compensation and recovery of losses), in paragraph (b), for “chief constable of the constable's police force” substitute “ Scottish Police Authority ”.
- (3) In section 37(2) (transport plan), for paragraph (c) substitute—
“(c) the chief constable of the Police Service of Scotland.”.

Commencement Information

I40 Sch. 7 para. 38 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Marine (Scotland) Act 2010 (asp 5)

- 39 In paragraph 12(2)(b) of schedule 2 to the Marine (Scotland) Act 2010 (disclosure of information), for “a police force in Scotland” substitute “ the Police Service of Scotland ”.

Commencement Information

I41 Sch. 7 para. 39 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 40 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In section 114 (scrutiny: duty of co-operation)—
- (a) in subsection (2)—
- (i) the word “and” at the end of paragraph (b) is repealed,
- (ii) after paragraph (c) insert “, and
- (d) policing.”,
- (b) in subsection (3)(a)—
- (i) the word “or” at the end of sub-paragraph (ii) is repealed,
- (ii) after sub-paragraph (iii) insert—

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

“(iv) policing, or”,

- (c) in subsection (10)(b)—
 - (i) for “or health services” substitute “, health services or policing ”,
 - (ii) after “services”, where last occurring, insert “ or, as the case may be, policing ”,
- (d) in subsection (11), after the definition of “local authorities” insert—
 - ““policing” has the same meaning as in Part 1 of the Police and Fire Reform (Scotland) Act 2012;”.

- (3) In section 115(6) (joint inspections), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “ Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), ”.
- (4) In schedule 5 (improvement of public functions: listed bodies), for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.
- (5) In schedule 8 (information on exercise of public functions: listed public bodies), for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.
- (6) In schedule 19 (scrutiny functions: persons etc. subject to user focus duty), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “ Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.
- (7) In schedule 20 (scrutiny functions: persons etc. subject to duty of co-operation), for the entry beginning “Her Majesty's Chief Inspector of Constabulary”, substitute— “ Her Majesty's Inspectors of Constabulary appointed under section 71 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.

Commencement Information

I42 Sch. 7 para. 40 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 41 In section 13 of the Control of Dogs (Scotland) Act 2010 (interpretation), after the entry for “local authority” insert—
 - ““police” means the Police Service of Scotland,”.

Commencement Information

I43 Sch. 7 para. 41 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 42 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is amended as follows.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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

- (2) In section 117(4)(a) (meaning of “investigating agency”), for “a police force” substitute “ the Police Service of Scotland ”.
- (3) In section 164(3) (persons to have regard to code of practice on disclosure), for paragraph (a) substitute—
“(a) constables of the Police Service of Scotland,”.

Commencement Information

I44 Sch. 7 para. 42 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 43 (1) The Alcohol etc. (Scotland) Act 2010 is amended as follows.
- (2) In section 14 (licence holders: social responsibility levy)—
(a) in subsection (3)(b), for “appropriate” substitute “ the ”,
(b) in subsection (5), for the entry for “appropriate chief constable” substitute—
““chief constable” means the chief constable of the Police Service of Scotland,”.
- (3) In section 15(3) (further provision about regulations relating to the social responsibility level), after paragraph (b), insert—
“(ba) the chief constable,”.

Commencement Information

I45 Sch. 7 para. 43 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

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

- 44 In section 61(3) of the Children's Hearings (Scotland) Act 2011 (constable's duty to provide information to Principal Reporter), for “section 17(1)(b) of the Police (Scotland) Act 1967 (c.77)” substitute “ section 20(1)(d) of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ”.

Commencement Information

I46 Sch. 7 para. 44 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

Public Records (Scotland) Act 2011 (asp 12)

- 45 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of that Act applies) for the entry for “Police Complaints Commissioner for Scotland” substitute— “ Police Investigations and Review Commissioner ”.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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](#)

Commencement Information

I47 Sch. 7 para. 45 in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

Changes to legislation:

Police and Fire Reform (Scotland) Act 2012, PART 1 is up to date with all changes known to be in force on or before 19 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.

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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](#)