



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 2

THE POLICE SERVICE OF SCOTLAND

Chief constable

17 Chief constable's responsibility for the policing of Scotland

- (1) The chief constable is responsible, and must account to the Authority, for the policing of Scotland.
- (2) In particular, the chief constable—
 - (a) has direction and control of the Police Service (see section 21),
 - (b) is responsible for the day to day administration of the Police Service, including the allocation and deployment of resources received from the Authority,
 - (c) is to be involved in the preparation of the strategic police plan and the Authority's annual report (see sections 34(4) and 39(4)),
 - (d) is to prepare annual police plans (see section 35),
 - (e) must seek to secure continuous improvement in the policing of Scotland (see section 37(2)),
 - (f) must designate local commanders and ensure that adequate arrangements are in place for the policing of each local authority area (see section 44), and
 - (g) may be required to provide the Authority with information relating to the Police Service, policing or the state of crime (see sections 40(3), 60(4) and 84(3)).

Status: This is the original version (as it was originally enacted).

- (3) The chief constable must, when directing constables, police cadets and police staff in the carrying out of their functions, comply with any lawful instruction given by—
 - (a) the appropriate prosecutor in relation to the investigation of offences,
 - (b) the Lord Advocate under section 12 of the Criminal Procedure (Scotland) Act 1995 (c.46),
 - (c) the Lord Justice General, or
 - (d) the sheriff principal for the place in which the functions are to be carried out.
- (4) The chief constable must seek to ensure that the policing of Scotland is done—
 - (a) with due regard to the policing principles, and
 - (b) in accordance with—
 - (i) the strategic police priorities,
 - (ii) the most recently approved strategic police plan, and
 - (iii) the relevant annual police plan.
- (5) The chief constable must ensure that the policing of Scotland is done with due regard to any recommendations made or guidance issued by the Authority on the policing of Scotland.
- (6) Any recommendation made or guidance issued by the Authority for the purposes of subsection (5) must not be inconsistent with—
 - (a) the strategic police priorities,
 - (b) the most recently approved strategic police plan, or
 - (c) any guidance or instructions issued to the chief constable by the Lord Advocate or a procurator fiscal in relation to the investigation or reporting of offences.