



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 5

BEST VALUE

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,

Status: This is the original version (as it was originally enacted).

- (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.