



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 12

MISCELLANEOUS AND GENERAL

Miscellaneous

75 Reintroduction of ranks of deputy chief constable and chief superintendent

- (1) The Police (Scotland) Act 1967 (c. 77) is amended as follows.
- (2) For section 5 there is substituted—

“5 Deputy and assistant chief constables

- (1) Every police force shall have a deputy chief constable.
- (2) The ranks which may be held in a police force shall include that of assistant chief constable.
- (3) Appointments and promotions to the rank of deputy chief constable or assistant chief constable shall be made, in accordance with regulations under section 26 of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Scottish Ministers.
- (4) Subsections (4) to (7) of section 4 of this Act shall apply to a deputy chief constable or an assistant chief constable as they apply to a chief constable.

5A Power of deputy or assistant chief constable to exercise functions of chief constable

- (1) The deputy chief constable of a police force may exercise or perform any or all of the powers and duties of the chief constable of that force—
 - (a) during any absence, incapacity or suspension from duty of the chief constable;
 - (b) during any vacancy in the office of the chief constable; or
 - (c) at any other time, with the consent of the chief constable.

Status: This is the original version (as it was originally enacted).

- (2) A person holding the rank of assistant chief constable in a police force may be designated by the police authority to exercise or perform any or all of the powers and duties of the chief constable of that force during—
 - (a) any absence, incapacity or suspension from duty of; or
 - (b) any vacancy in the offices of,
both the chief constable and the deputy chief constable.
 - (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2) above.
 - (4) Exercise for a continuous period of more than three months of any power conferred by virtue of subsection (1)(a) or (b) or (2) above shall require the consent of the Scottish Ministers.
 - (5) The provisions of subsections (1) and (2) above shall be without prejudice to any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.”.
- (3) In section 7(1) (ranks), after the words—
 - (a) “of chief constable” there is inserted “, deputy chief constable”; and
 - (b) “assistant chief constable” there is inserted “, chief superintendent”.
 - (4) In section 26(2A)(b) (regulations as to dismissal etc. of constable holding a rank above that of superintendent), after the words “that of” there is inserted “chief”.
 - (5) In section 31 (powers of Scottish Ministers in relation to compulsory retirement of chief constable or assistant chief constable)—
 - (a) in subsection (2)—
 - (i) after the words “with respect to” there is inserted “the deputy or”; and
 - (ii) for the words “chief constable or assistant chief constable” there is substituted “officer in respect of whom the power is to be exercised”;
and
 - (b) in subsection (4), after the words “a chief constable” there is inserted “or deputy”.