



# 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)).

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## **18 Delegation of chief constable's functions**

- (1) The chief constable may direct or authorise any other constable to carry out any of the chief constable's functions.
- (2) A direction or authorisation under subsection (1) does not affect the chief constable's—
  - (a) responsibility for the carrying out of delegated functions, or
  - (b) ability to carry out delegated functions.
- (3) The Authority must designate a deputy chief constable to carry out the chief constable's functions where—
  - (a) the office of chief constable is vacant, or
  - (b) the chief constable is unable to carry out those functions by reason of being absent, incapacitated or suspended from duty.
- (4) Only one deputy chief constable may be so designated to act at any one time.
- (5) This section does not affect any restriction on delegation of the chief constable's functions contained in any enactment which makes provision in that regard.