

## SCHEDULE 1

(introduced by section 1(2))

### THE SCOTTISH POLICE AUTHORITY

#### PART 1

##### STATUS, STRUCTURE AND GOVERNANCE

###### *Status*

- 1 (1) The Authority—
  - (a) is not a servant or agent of the Crown, and
  - (b) has no status, immunity or privilege of the Crown.
- (2) The Authority's property is not property of, or property held on behalf of, the Crown.

###### *Membership*

- 2 (1) The Authority is to consist of—
  - (a) a member appointed by the Scottish Ministers to chair the Authority (“the chairing member”), and
  - (b) not fewer than 10 nor more than 14 other members appointed by the Scottish Ministers.
- (2) The Scottish Ministers must appoint as members only persons who they consider to have the skills and expertise relevant to the functions of the Authority.
- (3) The Scottish Ministers may by order modify sub-paragraph (1)(b) by substituting for the minimum or maximum number of members for the time being specified there such other number as they think fit.
- (4) Members of the Authority may elect from their number a member to act as deputy to the chairing member.

###### *Disqualification*

- 3 A person is disqualified from appointment, and from holding office, as a member of the Authority if that person is or becomes—
  - (a) a member of—
    - (i) the Scottish Parliament,
    - (ii) the House of Lords,
    - (iii) the House of Commons, or
    - (iv) the European Parliament,
  - (b) disqualified from standing for election as a member of—
    - (i) the Scottish Parliament,
    - (ii) the House of Commons, or
    - (iii) a local authority,
  - (c) a constable,
  - (d) a member of—

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- (i) a police force maintained under section 2 of the Police Act 1996 (c.16),
- (ii) the metropolitan police force,
- (iii) the City of London police force,
- (iv) the Police Service of Northern Ireland,
- (v) 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),
- (vi) the British Transport Police Force,
- (vii) the Civil Nuclear Constabulary,
- (viii) the States of Jersey Police Force,
- (ix) the salaried police force of the Island of Guernsey, or
- (x) the Isle of Man Constabulary,
- (e) a member of police staff,
- (f) a member of the Authority’s staff,
- (g) the Police Investigations and Review Commissioner or any member of the Commissioner’s staff, and
- (h) a person of such other description as may be prescribed by order made by the Scottish Ministers.

#### *Tenure*

- 4 (1) A member is to be appointed for a period not exceeding 4 years specified in the appointment.
- (2) A member holds and vacates office on such terms and conditions as the Scottish Ministers may determine.
- (3) On ceasing to be a member, a person is eligible for reappointment.
- (4) A member may, by notice in writing to the Scottish Ministers, resign office as a member.

#### *Removal from office*

- 5 (1) The Scottish Ministers may remove a member from office if—
- (a) the member is an undischarged bankrupt,
  - (b) the member has, without reasonable excuse, been absent from meetings of the Authority for a period longer than 4 consecutive months,
  - (c) the member has, without reasonable excuse, been absent from 3 consecutive meetings of the Authority,
  - (d) the member has been convicted (whether before or after the member's appointment) of a criminal offence,
  - (e) the member has failed to comply with the terms or conditions of the member's appointment, or
  - (f) the Scottish Ministers consider that the member is otherwise unfit to be a member or is unable for any reason to carry out the member’s functions.
- (2) For the purposes of sub-paragraph (1)(a), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),

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- (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
- (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 (c.66) or the Insolvency Act 1986 (c.45),
- (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts,
- (e) who has been adjudged bankrupt (and has not been discharged), or
- (f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

#### *Staff of the Authority*

- 6 (1) The Authority may appoint individuals to assist the Authority in the carrying out of its functions.
- (2) Individuals appointed under sub-paragraph (1) may be—
- (a) employed by the Authority,
  - (b) provided to the Authority under arrangements between the Authority and a third party, or
  - (c) engaged on temporary service with the Authority in accordance with arrangements made under paragraph 7(1).

#### *Constables: temporary service with the Scottish Police Authority*

- 7 (1) The Authority may make arrangements for a constable, or any person falling within sub-paragraph (2), to serve as a member of the Authority's staff in order to assist it in the carrying out of its functions.
- (2) 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,
  - (h) the States of Jersey Police Force,
  - (i) the salaried police force of the Island of Guernsey, or
  - (j) the Isle of Man Constabulary.
- (3) An individual engaged on service with the Authority under arrangements made under this paragraph is under the direction and control of the Authority.
- (4) The Authority is liable in respect of any unlawful conduct on the part of any individual to whom sub-paragraph (3) applies in the carrying out (or purported carrying out) of that individual'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.

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*Terms and conditions of the Authority's staff*

- 8 (1) A member of the Authority's staff may be employed on terms and conditions determined by the Authority.
- (2) The Authority may pay or make arrangements for the payment of pensions, allowances or gratuities (including by way of compensation for loss of employment) to, or in respect of, any person who has ceased to be employed as a member of the Authority's staff.
- (3) The arrangements mentioned in sub-paragraph (2) may include—
- (a) the making of contributions or payments towards provision for pensions, allowances or gratuities mentioned there, and
  - (b) the establishment and administration of pension schemes.

*Committees and sub-committees*

- 9 (1) The Authority may establish committees for any purpose.
- (2) Any committee so established may establish sub-committees.
- (3) The members of any committee or subcommittee may include persons who are not members of the Authority but such persons are not entitled to vote at meetings.
- (4) A committee or sub-committee must not consist entirely of persons who are not members of the Authority.
- (5) The Authority may pay such remuneration, allowances and expenses as are determined by the Authority to a member of a committee or sub-committee who is not—
- (a) a constable,
  - (b) a member of the Authority,
  - (c) a member of police staff, or
  - (d) a member of the Authority's staff.

*Procedure*

- 10 (1) The Authority may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of its committees and sub-committees.
- (2) The validity of any proceedings or acts of the Authority is not affected by any—
- (a) vacancy in its membership,
  - (b) defect in the appointment of a member, or
  - (c) disqualification of a person as a member after appointment.

*Public access*

- 11 (1) The Authority must ensure that its proceedings and those of its committees and sub-committees are held in public.
- (2) Despite sub-paragraph (1), the Authority or, as the case may be, any of its committees or sub-committees may decide to hold all or part of any proceedings in private.

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- (3) The Authority must publish—
  - (a) agendas for its proceedings and those of its committees and sub-committees,
  - (b) the papers relating to those proceedings,
  - (c) such reports of those proceedings as it thinks fit.
- (4) Despite sub-paragraph (3), the Authority may decide that all or part of any agenda, paper or report need not be published.
- (5) The Authority must publish a statement setting out—
  - (a) the circumstances in which its proceedings and those of its committees and sub-committees may be held in private, and
  - (b) the circumstances in which agendas, papers and reports need not be published.

#### *Delegation of functions*

- 12 (1) The Authority may authorise—
  - (a) any of its committees, or
  - (b) any member of the Authority’s staff,to perform on behalf of the Authority such of its functions as it may determine to the extent so authorised.
- (2) A committee of the Authority may authorise—
  - (a) any of its sub-committees, or
  - (b) any member of the Authority’s staff,to perform on behalf of the committee such of its functions as it may determine to the extent so authorised.
- (3) Sub-paragraphs (1) and (2) do not affect the Authority’s—
  - (a) responsibility for performance of delegated functions, or
  - (b) ability to perform delegated functions.

#### *Location of principal offices*

- 13 Any determination by the Authority as to the location of the principal office premises of its members or of the chief constable is subject to the approval of the Scottish Ministers.

## **PART 2**

### CONSEQUENTIAL MODIFICATIONS

#### *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

- 14 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies), after the entry for “Scottish Natural Heritage” insert—  
“Scottish Police Authority”.

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

- 15 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities) after paragraph 50 insert—  
“50A The Scottish Police Authority.”.

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

- 16 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (specified authorities), after the entry for “Scottish Natural Heritage” insert—  
“Scottish Police Authority”.

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

- 17 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.  
(2) In schedule 5 (improvement of public functions: listed bodies), after the entry for “Scottish Natural Heritage” insert—  
“Scottish Police Authority”.  
(3) In schedule 8 (information on exercise of public functions: listed public bodies), after the entry for “Scottish Natural Heritage” insert—  
“Scottish Police Authority”.

*Public Records (Scotland) Act 2011 (asp 12)*

- 18 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of that Act applies) after the entry for “Scottish Natural Heritage” insert—  
“Scottish Police Authority”.