
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 129

POLICE
SERIOUS ORGANISED CRIME AGENCY

The Serious Organised Crime and Police
Act 2005 (Consequential and Supplementary
Amendments) (Scotland) Order 2006

<i>Made</i>	- - - -	<i>8th March 2006</i>
<i>Laid before Parliament</i>		<i>9th March 2006</i>
<i>Coming into force</i>	- -	<i>1st April 2006</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 173(1) to (3) and (5) (a) of the Serious Organised Crime and Police Act 2005⁽¹⁾ and having regard to the definition of “enactment” in section 177(2) of that Act, hereby make the following Order:

Citation, Commencement and Extent

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments) (Scotland) Order 2006 and shall come into force on 1st April 2006.
2. The Schedule to this Order (amendment and revocation of enactments relating to the National Criminal Intelligence Service (“NCIS”) and in connection with the Serious Organised Crime Agency (“SOCA”) shall have effect.
3. This Order extends to Scotland only.

(1) 2005 c. 15. By virtue of section 173(5)(a) of that Act, the power conferred on the Secretary of State by section 173(1) is exercisable by the Scottish Ministers (rather than by the Secretary of State) where the provision to be made is for the general purposes of that Act and would be within the legislative competence of the Scottish Parliament if it were included in an Act of the Scottish Parliament.

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St Andrew's House,
Edinburgh
8th March 2006

CATHY JAMIESON
A member of the Scottish Executive

SCHEDULE

Article 2

Amendment or revocation of enactments relating to NCIS and in connection with SOCA

1. After regulation 37(5)(aa) of the Road Vehicles (Construction and Use) Regulations 1986(2) insert—

“(ab) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998(3)) relate to reserved matters, used for Serious Organised Crime Agency purposes;”.

2. In the table in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(4) after paragraph (aa) of the meaning of the expression “Emergency vehicle” insert—

“(ab) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, a vehicle used for Serious Organised Crime Agency purposes;”.

3. After regulation 6(1)(fa) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993(5) insert—

“(fb) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, a person driving or riding in a vehicle while it is being used for Serious Organised Crime Agency purposes;”.

4. After regulation 14(1)(da) of the Motorways Traffic (Scotland) Regulations 1995(6) insert—

“(db) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, where that person does so as a member of the Serious Organised Crime Agency for the purposes of that Agency;”.

5.—(1) The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997(7) are amended as follows.

(2) In regulation 12(1)—

(a) in sub-paragraphs (c) and (d), after “sub-paragraph (ea)”(8) insert “and sub-paragraph (eb)”;

(b) after sub-paragraph (ea) insert—

“(eb) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the steady amber or the red signal in accordance with

(2) S.I.1986/1078, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales). Regulation 37(5)(aa) was inserted by S.I. 2006/594.

(3) 1998 c. 46.

(4) S.I. 1989/1796, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland), S.I. 2005/2559 (in relation to England, Wales and Scotland) and S.I. 2005/2929 (in relation to Wales). In the table in regulation 3(2), sub-paragraph (aa) was inserted by S.I. 2006/594.

(5) S.I. 1993/176, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales). Regulation 6(1)(fa) was inserted by S.I. 2006/594.

(6) S.I. 1995/2507. Regulation 14(1)(da) was inserted by S.I. 2006/594.

(7) S.I. 1997/2400, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales). Regulation 12(1)(ea), 13(1)(g) and 21(d) were inserted by S.I. 2006/594.

(8) The words “sub-paragraph (ea)” were inserted by S.I. 2006/594.

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sub-paragraph (c) or (d) would be likely to hinder the use of that vehicle for those purposes, then those sub-paragraphs shall not apply to the vehicle, and the steady amber and the red signal shall each convey the information that the vehicle may proceed beyond the stop line if the driver—

- (i) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on a central reservation which lies between two crossings which do not form part of a system of staggered crossings; and
- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident; and”.

(3) In regulation 13(1)—

- (a) in sub paragraphs (c) to (e), after “sub paragraph (g)”⁽⁹⁾, insert “and sub paragraph (h)”;
- (b) after sub paragraph (g) insert—

“(h) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the amber, red or red-with-amber signal in accordance with sub-paragraph (c), (d) or (e) would be likely to hinder the use of that vehicle for those purposes, then those sub-paragraphs shall not apply to the vehicle, and the red signal, red-with-amber and amber signals shall each convey the information that the vehicle may proceed beyond the stop line if the driver—

- (i) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on a central reservation which lies between two crossings which do not form part of a system of staggered crossings; and
- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident.”.

(4) After regulation 21(d) insert—

“or

- (e) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, when the vehicle is being used for Serious Organised Crime Agency purposes.”.

6. The entries in the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999⁽¹⁰⁾ in respect of the National Criminal Intelligence Service and the Service Authority for the National Criminal Intelligence Service and sections 1 and 2 of the Police Act 1997 are revoked so far as relating to the functions of those bodies which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters⁽¹¹⁾.

⁽⁹⁾ The words “sub-paragraph (g)” were inserted by S.I. 2006/594.

⁽¹⁰⁾ S.I. 1999/1319, to which there are amendments not relevant to this Order.

⁽¹¹⁾ The entries in respect of those bodies as regards England and Wales and so far as relating to the functions of those bodies which (within the meaning of the Scotland Act 1998) relate to reserved matters were revoked by S.I. 2006/594.

7. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002(12) the words “The Service Authority for the National Criminal Intelligence Service in respect of its Scottish functions” are revoked.

8.—(1) The Traffic Signs Regulations and General Directions 2002(13) are amended as follows.

(2) In regulation 15(1) after “paragraph (2A)” insert “, (2B)”.

(3) After regulation 15(2A) insert—

“(2B) So far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, on an occasion where a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the requirement specified in paragraph (1) would be likely to hinder the use of that vehicle for those purposes then, instead of that requirement, the requirement conveyed by the sign in question shall be that the vehicle shall not proceed beyond that sign in such a manner or at such a time as to be likely to endanger any person.”.

(4) After regulation 26(5)(ba) insert—

“(bb) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, to a vehicle for the time being used for Serious Organised Crime Agency purposes;”.

(5) After regulation 27(3)(d) insert—

“or

(e) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, when the vehicle is being used for Serious Organised Crime Agency purposes.”.

(6) In regulation 36(1)—

(a) In sub paragraph (a), after “sub paragraph (ba)” insert “and sub paragraph (bb)”; and

(7) After regulation 36(1)(ba) insert—

“(bb) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the Scotland Act 1998) relate to reserved matters, when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the red signal in accordance with sub-paragraph (a) would be likely to hinder the use of that vehicle for those purposes, then sub-paragraph (a) shall not apply to the vehicle, and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident;”.

(8) In Schedule 19, after paragraph 4(1)(aa) insert—

“(ab) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which do not (within the meaning of the

(12) S.I. 2002/62, to which there are amendments not relevant to this Order.

(13) S.I. 2002/3113, as amended by S.I. 2004/3168 (in relation to England), S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales). Regulation 15(2A), 26(5)(ba), 27(3)(d), 36(1)(ba) and paragraph 4(1)(aa) of Schedule 19 were inserted by S.I. 2006/594.

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Scotland Act 1998) relate to reserved matters, a vehicle being used for Serious Organised Crime Agency purposes;”.

9. In regulation 2(1)(d) of the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005(**14**) for “National Criminal Intelligence Service” substitute “Serious Organised Crime Agency”.

10. In Part 1 of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005(**15**) the words “The Service Authority for the National Criminal Intelligence Service in respect of its Scottish functions” are revoked.

EXPLANATORY NOTE

(This note is not part of the Order)

The Schedule to this Order omits references in the secondary legislation listed in that Schedule to the National Criminal Intelligence Service (and its service authority) consequential on the abolition of that body by the Serious Organised Crime and Police Act 2005. Where the functions are taken on by the Serious Organised Crime Agency, references to that Agency are substituted.

In addition, the amendments in paragraphs 1 to 5 and 8 of the Schedule ensure that the traffic provisions mentioned in those paragraphs apply to the Services Organised Crime Agency as they apply to the police and other emergency services in so far as relating to the non-reserved functions of the Agency.

(14) S.S.I. 2005/494.

(15) S.S.I. 2005/565.