

SCHEDULE

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

Police (Scotland) Act 1967 (c. 77)

1. In section 38A(8)(1) (constables engaged on service outside their force) of the Police (Scotland) Act 1967 for “59 and 60” there is substituted “59, 60 and 64”.

Police Pensions Act 1976 (c.35)

2.—(1) The Police Pensions Act 1976(2) is modified as follows.

(2) In section 7(2)(3) (persons eligible for police pensions), after paragraph (cf) there is inserted—

“(cg) a constable seconded to the Scottish Police Services Authority by virtue of paragraph 10(2) of schedule 1 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) (“the 2006 Act”) but not appointed as a police member of the Scottish Crime and Drug Enforcement Agency by virtue of paragraph 7 of schedule 2 to the 2006 Act;

(ch) a person who—

(i) is seconded to the Scottish Police Services Authority by virtue of paragraph 10(3) of schedule 1 to the 2006 Act;

(ii) is not appointed as mentioned in paragraph (cg); and

(iii) immediately before such secondment, is or is eligible to be a member of a pension scheme provided for under section 1 above;

(ci) a police member of the Scottish Crime and Drug Enforcement Agency appointed by virtue of paragraph 7(2)(a) or (c) of schedule 2 to the 2006 Act;

(cj) a police member of the Scottish Crime and Drug Enforcement Agency appointed by virtue of paragraph 7(2)(b) of schedule 2 to the 2006 Act and who, immediately before such appointment, is or is eligible to be a member of a pension scheme provided for under section 1 above;

(ck) the Director General or Deputy Director General of the Scottish Crime and Drug Enforcement Agency;”.

(3) In section 11 (interpretation)—

(a) in subsection (1)(4) (references to membership of a police force etc), after paragraph (bf) there is inserted—

(1) Section 38A(8) was inserted by section 50(2)(b) of the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) and commenced by [S.S.I. 2006/432](#).

(2) The functions of the Secretary of State in sections 1 to 8A were transferred to the Scottish Ministers by [S.I. 1999/1750](#), Schedule 1 as amended by the [Police and Firemen’s Pensions Act 1997 \(c. 52\)](#), section 2.

(3) Section 7(2) was amended by the [Police and Magistrates’ Courts Act 1994 \(c. 29\)](#) (“the 1994 Act”), Schedule 5, paragraph 19; the [Police Act 1996 \(c. 16\)](#) (“the 1996 Act”), Schedule 7, paragraph 29; the [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#), section 78(2)(f); the [Criminal Justice and Police Act 2001 \(c. 16\)](#) (“the 2001 Act”), section 126(1) and Schedule 4, paragraph 6(2); the [International Development Act 2002 \(c. 1\)](#), Schedule 3, paragraph 6(1); the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#) (“the 2005 Act”), Schedule 4, paragraph 30; and the [Police and Justice Act 2006 \(c. 48\)](#), Schedule 1, paragraph 58 and Schedule 15, Part 1.

(4) Section 11(1) was amended by the 1994 Act, Schedule 5, paragraph 20(2); the 1996 Act, Schedule 7, paragraph 30(2); the [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#), section 78(2)(f); the 2001 Act, section 126(2), Schedule 4, paragraph 6(3); the [International Development Act 2002](#), Schedule 3, paragraph 6(2); the 2005 Act, Schedule 4, paragraph 31(2); and the [Police and Justice Act 2006 \(c. 48\)](#), Schedule 1, paragraph 59(2) and Schedule 15, Part 1.

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- “(bg) service as a member of staff of the Scottish Police Services Authority by virtue of paragraph 10(2) of schedule 1 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) (“the 2006 Act”) other than service while appointed as a police member of the Scottish Crime and Drug Enforcement Agency by virtue of paragraph 7 of schedule 2 to the 2006 Act;
 - (bh) service as a member of staff of the Scottish Police Services Authority by a person seconded to that Authority by virtue of paragraph 10(3) of schedule 1 to the 2006 Act (other than while appointed as mentioned in paragraph (bg)) if immediately before such secondment that person is or is eligible to be a member of a pension scheme provided for under section 1 above;
 - (bi) service as a police member of the Scottish Crime and Drug Enforcement Agency appointed by virtue of paragraph 7(2)(a) or (c) of schedule 2 to the 2006 Act;
 - (bj) service as a police member of the Scottish Crime and Drug Enforcement Agency by a person appointed by virtue of paragraph 7(2)(b) of schedule 2 to the 2006 Act if immediately before such appointment that person is or is eligible to be a member of a pension scheme provided for under section 1 above;
 - (bk) service as the Director General or Deputy Director General of the Scottish Crime and Drug Enforcement Agency;”;
- (b) in subsection (2)(5) (meaning of police authority) at the end there is inserted–
- “(g) in relation to any service such as is mentioned in subsection (1)(bg), (bh), (bi), (bj) or (bk) above, it means the Scottish Police Services Authority.”; and
- (c) in subsection (3)(6) (meaning of police force), in paragraph (b) after “(bf),” there is inserted “(bg), (bh), (bi), (bj), (bk).”.

Police Act 1996 (c. 16)

3.—(1) The Police Act 1996 is modified as follows.

(2) After section 64(4D)(7) (membership of trade unions) there is inserted–

“(4E) This section applies to–

- (a) the Director General of the Scottish Crime and Drug Enforcement Agency,
- (b) the Deputy Director General of that Agency, and
- (c) a police member of that Agency appointed by virtue of paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#),

as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.

(4F) In its application by virtue of subsection (4E), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the Scottish Crime and Drug Enforcement Agency.”.

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- (5) Section 11(2) was amended by the 1994 Act, Schedule 5, paragraph 20(3); the 1996 Act, Schedule 7, paragraph 30(3); the Police Act 1997 (c. 50) (“the 1997 Act”), Schedule 9, paragraph 33(2); the 2001 Act, section 126(3) and Schedule 4, paragraph 6(4); the Police Reform Act 2002 (c. 30) (“the 2002 Act”), Schedule 7, paragraph 7(2); the 2005 Act, Schedule 4, paragraph 31(3) and Schedule 17, Part 2; and the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 59(3) and Schedule 15, Part 1.
 - (6) Section 11(3) was amended by the 1994 Act, Schedule 5, paragraph 20(4); the 1996 Act, Schedule 7, paragraph 30(4); the 2001 Act, section 126(4) and Schedule 4, paragraph 6(5); and the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 59(4) and Schedule 15 Part 1.
 - (7) Section 64 was amended by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), article 349. Subsections (4C) and (4D) were inserted into section 64 by the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 69. There have been further amendments to section 64, but those amendments have been repealed.

- (3) In section 97 (police officers engaged on service outside their force)—
- (a) in subsection (1)(8) after paragraph (cg) there is inserted—
- “(ch) temporary service with the Scottish Police Services Authority on which a person is engaged with the consent of the appropriate authority;
- (ci) temporary service with the Scottish Police Services Authority on which a person is engaged with the consent of the appropriate authority;”;
- and
- (b) in subsections (6)(a)(9) and (8)(10) after “(cg)” there is inserted “, (ch), (ci)”.

Regulation of Investigatory Powers Act 2000 (c. 23)

4.—(1) The Regulation of Investigatory Powers Act 2000 is modified as follows.

(2) In section 6(2) (application for issue of an interception warrant) after paragraph (d)(11) there is inserted—

“(da) the Director General of the Scottish Crime and Drug Enforcement Agency;”.

(3) In section 17(3) (exclusion of matters from legal proceedings) after paragraph (c)(12) there is inserted—

“(ca) any member of the Scottish Crime and Drug Enforcement Agency;”.

(4) In section 19(2)(13) (unauthorised disclosures) after paragraph (c) there is inserted—

“(ca) every member of the Scottish Crime and Drug Enforcement Agency;”.

(5) In section 25(1) (interpretation) in the definition of “relevant public authority”, after paragraph (b)(14) there is inserted—

“(ca) the Scottish Crime and Drug Enforcement Agency;”.

(6) In section 33 (rules for grant of authorisations)—

(a) after subsection (1A)(15) there is inserted—

“(1B) A person who is a designated person for the purposes of section 28 or 29 by reference to his office, rank or position with the Scottish Crime and Drug Enforcement Agency shall not grant an authorisation under that section except on an application made by a police member of the Agency.”; and

(b) in subsection (5)(a)(16) after “Agency” there is inserted “or a member of the Scottish Crime and Drug Enforcement Agency”.

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- (8) Section 97(1) was amended by the 1997 Act, Schedule 9, paragraph 86; the Police (Northern Ireland) Act 1998 (c. 32), Schedule 4, paragraph 20(3); the Police (Northern Ireland) Act 2000 (c. 32), Schedule 6, paragraph 12; the 2001 Act, Schedule 4, paragraph 7(3)(a); the International Development Act 2002 (c. 1), Schedule 3, paragraph 11(2) and Schedule 4; the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraph 30; the 2002 Act, Schedule 7, paragraph 19(1); the 2005 Act, Schedule 4, paragraph 82(2) and Schedule 17, Part 2; and the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 72(3) and Schedule 15, Part 1.
- (9) Section 97(6)(a) was amended by the 1997 Act, Schedule 9, paragraph 86(3); the 2001 Act, Schedule 4, paragraph 7(3)(b); the International Development Act 2002 (c. 1), Schedule 3, paragraph 11(3); the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraph 30(3); the 2002 Act, Schedule 7, paragraph 19(2); the 2005 Act, Schedule 4, paragraph 82(3); and the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 72(3) and Schedule 15, Part 1.
- (10) Section 97(8) was amended by the 1997 Act, Schedule 9, paragraph 86(4); the 2001 Act, Schedule 4, paragraph 7(3)(b); the Proceeds of Crime Act 2002, Schedule 11, paragraph 30(4); the 2002 Act, Schedule 7, paragraph 19(3); the 2005 Act, Schedule 4, paragraph 82(4); and the Police and Justice Act 2006 (c. 48), Schedule 1, paragraph 72(3) and Schedule 15, Part 1.
- (11) Section 6(2)(d) was amended by the 2005 Act, Schedule 4, paragraph 132(2).
- (12) Section 17(3)(c) and (d) as substituted by the 2005 Act, Schedule 4, paragraph 133(1).
- (13) Section 19(2)(c) and (d) as substituted by the 2005 Act, Schedule 4, paragraph 134(1).
- (14) Paragraphs (b) and (c) were substituted by the 2005 Act, Schedule 4, paragraph 135(2).
- (15) Section 33(1A) was inserted by the 2005 Act, Schedule 4, paragraph 137(3).
- (16) Section 33(5)(a) was amended by the Enterprise Act 2002 (c. 40), section 199(4); and the 2005 Act, Schedule 4, paragraph 137(6).

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- (7) In section 45(6)(17) (cancellation of authorisations)–
- (a) at the end of paragraph (b) omit “and”; and
 - (b) after paragraph (c) there is inserted
“; and
(ca) in relation to the Director General of the Scottish Crime and Drug Enforcement Agency, to the Deputy Director General of that Agency;”.
- (8) In section 49(1)(e)(18) (notices requiring disclosure) after “SOCA” (in both places) there is inserted “, SCDEA”.
- (9) In section 51(19) (cases in which key required)–
- (a) in subsection (2)–
 - (i) after “SOCA,” there is inserted “SCDEA,”; and
 - (ii) after paragraph (aa) there is inserted–
 - “(ab) in the case of a direction by SCDEA, except by or with the permission of the Director General of the Scottish Crime and Drug Enforcement Agency;”;
 - (b) in subsection (3) after “Agency,” there is inserted “the Director General of the Scottish Crime and Drug Enforcement Agency,”; and
 - (c) in subsection (6) after “Agency,” there is inserted “by the Director General of the Scottish Crime and Drug Enforcement Agency,”.
- (10) In section 54(3)(20) (tipping off) after “SOCA,” (in both places) there is inserted “SCDEA,”.
- (11) In section 55 (duties of specified authorities)–
- (a) in subsection (1) after paragraph (ba)(21) there is inserted–
 - “(bb) the Director General of the Scottish Crime and Drug Enforcement Agency;”;and
 - (b) after subsection (3A)(22) there is inserted–
 - “(3B) Paragraph 6(2) of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) does not apply in relation to the duties of the Director General of the Scottish Crime and Drug Enforcement Agency under this section.”.
- (12) In section 56(1)(23) (interpretation)–
- (a) in paragraph (a) of the definition of “the police” after “Agency” there is inserted “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”; and
 - (b) after the definition of “protected information” there is inserted–
 - ““SCDEA” means the Scottish Crime and Drug Enforcement Agency;”.
- (13) In section 58(1)(24) (co operation with Commissioner) after paragraph (b) there is inserted–
 - “(ba) every member of the Scottish Crime and Drug Enforcement Agency,”.
- (14) In section 65(6)(d)(25) (the Tribunal) after “Agency;” there is inserted–

(17) Section 45(6) was amended by the 2005 Act, Schedule 4, paragraph 143.

(18) Section 49(1)(e) was amended by the 2005 Act, Schedule 4, paragraph 145.

(19) Section 51 was amended by the 2005 Act, Schedule 4, paragraph 146.

(20) Section 54(3) was amended by the 2005 Act, Schedule 4, paragraph 147.

(21) Section 55(1)(ba) was inserted by the 2005 Act, Schedule 4, paragraph 148(2).

(22) Section 55(3A) was inserted by the 2005 Act, Schedule 4, paragraph 148(3).

(23) Section 56(1) was amended by the 2005 Act, Schedule 4, paragraph 149.

(24) Section 58(1)(b) and (c) as substituted by the 2005 Act, Schedule 4, paragraph 150.

(25) Section 65(6)(d) and (e) as substituted by the 2005 Act, Schedule 4, paragraph 151.

“(da) the Scottish Crime and Drug Enforcement Agency;”.

(15) In section 68(7)(26) (disclosure to the Tribunal) after paragraph (b) there is inserted—

“(ba) every member of the Scottish Crime and Drug Enforcement Agency;”.

(16) Paragraph (c) of the definition of “United Kingdom officer” in subsection (11) of section 76A (as substituted by paragraph 8 of schedule 6 to the Act) has effect in relation to the reference in subsection (1)(c) of that section to a United Kingdom officer carrying out surveillance in the United Kingdom in accordance with an authorisation under Part 2 as it has effect in relation to the reference in subsection (1)(c) to such an officer carrying out such surveillance in accordance with an authorisation under the Regulation of Investigatory Powers (Scotland) Act 2000.

(17) In section 76A(11)(27) (foreign surveillance operations), for paragraph (c) of the definition of “United Kingdom officer” there is substituted—

“(c) a police member of the Scottish Crime and Drug Enforcement Agency appointed by virtue of paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#);”.

(18) In Schedule 1(28) (relevant public authorities) after paragraph 2 there is inserted—

“2A. The Scottish Crime and Drug Enforcement Agency”.

(19) In Schedule 2(29) (persons having appropriate permission)—

(a) in paragraph 2(3) and (5), after “SOCA” there is inserted “, SCDEA”;

(b) in paragraph 4(2)(30) after “SOCA,” (in each place) there is inserted “SCDEA,”;

(c) in paragraph 5(3)(b)(31) after “SOCA” there is inserted “, SCDEA”; and

(d) in paragraph 6(32)—

(i) after sub paragraph (3A) there is inserted—

“(3B) A member of the Scottish Crime and Drug Enforcement Agency does not by virtue of paragraph 1, 4 or 5 have the appropriate permission in relation to any protected information unless—

(a) he is of or above the rank of superintendent; or

(b) permission to give a section 49 notice in relation to that information has been granted by the Director General of that Agency;” and

(ii) in sub paragraph (6), after “Serious Organised Crime Agency” there is inserted “or a constable who is a member of the Scottish Crime and Drug Enforcement Agency”.

The Prevention of Terrorism Act 2005 (c. 2)

5.—(1) The Prevention of Terrorism Act 2005 is modified as follows.

(2) In section 8 (criminal investigations after making of control order)—

(a) in subsection (7)—

(i) for paragraph (e) of the definition of “chief officer” there is substituted—

(26) Section 68(7)(b) and (c) as substituted by the 2005 Act, Schedule 4, paragraph 152.

(27) Section 76A was inserted by the Crime (International Co operation) Act 2003 (c. 32), section 83; and amended by the 2005 Act, Schedule 4, paragraph 154.

(28) Paragraph 2 of Schedule 1 was substituted by the 2005 Act, Schedule 4, paragraph 155(1).

(29) Paragraph 2 of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(2).

(30) Paragraph 4(2) of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(3).

(31) Paragraph 5(3)(b) of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(4).

(32) Paragraph 6 of Schedule 2 was amended by the 2005 Act, Schedule 4, paragraph 156(5).

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- “(e) in relation to the Scottish Crime and Drug Enforcement Agency, means the Director General of that Agency;” and
- (ii) for paragraph (e) of the definition of “police force” there is substituted–
 - “(e) the Scottish Crime and Drug Enforcement Agency;” and
- (b) subsection (9) is repealed.

Serious Organised Crime and Police Act 2005 (c. 15)

6.—(1) The Serious Organised Crime and Police Act 2005 is modified as follows.

(2) In section 3(5)(d) (meaning of “special police force”), for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”.

(3) In section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements)–

(a) for subsection (5) there is substituted–

“(5) In subsection (4)(a), “constables or members of staff” in relation to the Scottish Crime and Drug Enforcement Agency means police members or support staff members of that Agency.”;

(b) in subsection (7), for paragraph (b) there is substituted–

“(b) a police member or support staff member of the Scottish Crime and Drug Enforcement Agency;”;

(c) in subsection (10)(b) for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”; and

(d) in subsection (11)–

(i) after the definition of “police force” there is inserted–

““police member”, in relation to the Scottish Crime and Drug Enforcement Agency, means a person appointed as such a member in accordance with paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#);”;

(ii) in paragraph (f) of the definition of “relevant police authority”, for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”; and

(iii) after the definition of “relevant police authority” there is inserted–

““support staff member”, in relation to the Scottish Crime and Drug Enforcement Agency, means a person appointed as such a member in accordance with paragraph 8 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#).”.

(4) In section 24(2)(b) (bodies to which section 24 applies), for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”.

(5) In section 25 (directed arrangements: Scotland)–

(a) in subsection (2)(b), for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”; and

(b) in subsection (3)(b)–

(i) for “Director of the Scottish Drug Enforcement Agency” there is substituted “Director General of the Scottish Crime and Drug Enforcement Agency”; and

- (ii) for “constables or other persons” there is substituted “police members or support staff members”;
- (c) in subsection (4), in both paragraphs (a) and (b), for “Scottish Drug Enforcement Agency” there is substituted “Scottish Crime and Drug Enforcement Agency”; and
- (d) after subsection (4), there is inserted—
 - “(5) In this section, “police member” and “support staff member” have the same meaning as in section 23.”.
- (6) In paragraph (d) of the definition of “relevant authority” in section 31(5), for “Scottish Drug Enforcement Agency, means” there is substituted “Scottish Crime and Drug Enforcement Agency, means the Director General of”.
- (7) In section 42 (interpretation)—
 - (a) in subsection (1), for paragraph (g) of the definition of “chief officer” there is substituted—
 - “(g) in relation to the Scottish Crime and Drug Enforcement Agency, the Director General of that Agency;”; and
 - (b) subsection (2) is repealed.
- (8) In section 47 (person having powers of constable: exercise of such powers in Scotland and Northern Ireland)—
 - (a) in subsection (3)(a), for “Director of the Scottish Drug Enforcement Agency” there is substituted “Director General of the Scottish Crime and Drug Enforcement Agency”;
 - (b) in subsection (4)(a), for “Deputy Director” there is substituted “Deputy Director General”; and
 - (c) in subsection (7), the definitions of “the Scottish Drug Enforcement Agency” and “the Director” are repealed.
- (9) In section 82(5) (persons who are protection providers), for paragraph (f), there is substituted—
 - “(f) the Director General of the Scottish Crime and Drug Enforcement Agency;”.
- (10) In section 94 (interpretation of Chapter 4), subsection (9) is repealed.
- (11) Schedule 5 is amended as follows.
- (12) In paragraph 20—
 - (a) in sub paragraph (1)—
 - (i) the words “is or” are repealed; and
 - (ii) for “Scottish Drug Enforcement Agency” there is substituted “organisation known as the Scottish Drug Enforcement Agency and established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967 (c. 77), that is to say a person who was engaged on central service (as defined by section 38(5) of that Act) and was appointed by the Scottish Ministers to exercise control in relation to the activities carried out in exercise of that organisation’s functions”; and
 - (b) in sub paragraph (2), the words “is or” are repealed.
- (13) After paragraph 20 there is inserted—
 - “**20A.**—(1) A person who is or has been the Director General of the Scottish Crime and Drug Enforcement Agency.
 - (2) A person who is or has been under the direction and control of the Director General of the Scottish Crime and Drug Enforcement Agency.”.

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