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# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## POLICE AND FIRE REFORM (SCOTLAND) ACT 2012

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##### PART 1 — STATUS, STRUCTURE AND GOVERNANCE

###### *Status*

- 1 (1) The Authority— (a) is not a servant or agent...

###### *Membership*

- 2 (1) The Authority is to consist of—

###### *Disqualification*

- 3 A person is disqualified from appointment, and from holding office,...

###### *Tenure*

- 4 (1) A member is to be appointed for a period...

###### *Removal from office*

- 5 (1) The Scottish Ministers may remove a member from office...

###### *Staff of the Authority*

- 6 (1) The Authority may appoint individuals to assist the Authority...

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

- 7 (1) The Authority may make arrangements for a constable, or...

###### *Terms and conditions of the Authority's staff*

- 8 (1) A member of the Authority's staff may be employed...

###### *Committees and sub-committees*

- 9 (1) The Authority may establish committees for any purpose.

###### *Procedure*

- 10 (1) The Authority may regulate— (a) its own procedure (including...

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*Public access*

- 11 (1) The Authority must ensure that its proceedings and those...

*Delegation of functions*

- 12 (1) The Authority may authorise— (a) any of its committees,...

*Location of principal offices*

- 13 Any determination by the Authority as to the location of...

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...

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

- 15 In schedule 1 to the Freedom of Information (Scotland) Act...

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

- 16 In schedule 2 to the Public Appointments and Public Bodies...

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

- 17 (1) The Public Services Reform (Scotland) Act 2010 is amended...

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

- 18 In the schedule to the Public Records (Scotland) Act 2011...

SCHEDULE 2 — Police custody and security officers: powers and duties

- 1 A police custody and security officer has power—

- 2 (1) It is the duty of a police custody and...

SCHEDULE 3 — Police appeals tribunals

*Constitution and membership*

- 1 (1) A police appeals tribunal is to consist of 3...

*Member remuneration, allowances and expenses*

- 2 The Authority is to pay to the members of a...

*Expenses of proceedings*

- 3 (1) The appellant is liable for the expenses incurred by...

*Police appeals tribunal rules*

- 4 The Scottish Ministers may make rules about the procedure on...

SCHEDULE 4 — Period before establishment of Police Service

- 1 This schedule applies during the period before the day on...

- 2 An appointment under section 7 has effect only where the...

- 3 An individual appointed under section 7— (a) holds the office...

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- 4 Sections 18, 19, 21(1) and (2), 22 and 23 apply...
- 5 Despite paragraph 2(1) of schedule 1, the Authority may consist...
- 6 It is for the Authority to hold the chief constable...
- 7 The Authority may— (a) pay remuneration and allowances to, and...
- 8 The reference in section 4(1) to the Authority's functions includes...

#### SCHEDULE 5 — Transfer of constables, staff and property etc.

##### *Interpretation*

- 1 In this schedule— “appointed day” has the meaning given by...

##### *Appointed day*

- 2 (1) The “appointed day”, for the purposes of this schedule,...

##### *Constables to continue to hold office and rank*

- 3 (1) Sub-paragraphs (2) to (6) apply to an individual who,...

##### *Senior officers appointed under section 7*

- 4 An individual who, immediately before the appointed day, holds the...

##### *Senior officers*

- 5 (1) Sub-paragraph (2) applies to an individual who—

##### *Constables serving in police forces*

- 6 Any individual serving as a constable of a police force...

##### *Constables serving in SPSA or SCDEA*

- 7 (1) An individual who, immediately before the appointed day, is...

##### *Constables – temporary service arrangements*

- 8 (1) Sub-paragraph (2) applies where, by virtue of any arrangement...

##### *Acts done before transfer*

- 9 (1) Anything done before the appointed day by or in...

##### *Limitation on mobility of transferred constables*

- 10 (1) Sub-paragraph (2) applies to a constable of the Police...

##### *Transfer of police staff*

- 11 (1) An individual is a “police employee” for the purposes...

##### *Staff transfer scheme*

- 12 (1) The Scottish Ministers may make a staff transfer scheme....

##### *Police staff appointed under contract for services*

- 13 (1) A contract for services entered into by a police...



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*Police cadets*

14 An individual who, immediately before the appointed day, is a...

*Police custody and security officers*

15 An individual who is, immediately before the appointed day, certified...

*Her Majesty's inspectorate of constabulary in Scotland*

16 (1) An individual who, immediately before the day on which...

*Police property transfer scheme: transfers to Scottish Police Authority*

17 (1) The Scottish Ministers may make a police property transfer...

*Property transfer scheme: transfers to local authorities*

18 (1) The Scottish Ministers may make a local authority property...

*Property transfer schemes: general*

19 (1) This paragraph applies in relation to a scheme under...

*Transfer of liabilities of chief constables etc.*

20 By virtue of this paragraph, any liabilities of a chief...

SCHEDULE 6 — Transfer of staff, property etc.

*Interpretation*

1 In this schedule— “appointed day” means such day as the...

*Joint board staff*

2 (1) A transferring employee's contract of employment has effect on...

*Local authority staff and civil servants*

3 (1) The Scottish Ministers may make a staff transfer scheme....

*Transfers under paragraph 3: effect on contract of employment*

4 (1) This paragraph applies where— (a) a person is to...

*Property transfer scheme: transfers to SFRS*

5 (1) The Scottish Ministers may make an SFRS property transfer...

*Property transfer scheme: transfers to local authorities*

6 (1) The Scottish Ministers may make a local authority property...

*Property transfer schemes: general*

7 (1) This paragraph applies in relation to a scheme under...

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*Transfer schemes: additional provision*

8 A staff transfer scheme or a property transfer scheme under...

SCHEDULE 7 — Minor and consequential amendments

PART 1 — AMENDMENTS RELATING TO PART 1

*Police (Scotland) Act 1967 (c.77)*

1

*Health and Safety at Work etc. Act 1974 (c.37)*

2 In section 51A of the Health and Safety at Work...

*Rehabilitation of Offenders Act 1974 (c.53)*

3 In section 9B of the Rehabilitation of Offenders Act 1974...

*Slaughter of Animals (Scotland) Act 1980 (c.13)*

4 In section 22 of the Slaughter of Animals (Scotland) Act...

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)*

5 In Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland)...

*Civic Government (Scotland) Act 1982 (c.45)*

6 (1) The Civic Government (Scotland) Act 1982 is amended as...

*Roads (Scotland) Act 1984 (c.54)*

7 (1) The Roads (Scotland) Act 1984 is amended as follows....

*Prisons (Scotland) Act 1989 (c.45)*

8 In section 14 of the Prisons (Scotland) Act 1989 (legalised...

*Criminal Justice and Public Order Act 1994 (c.33)*

9 (1) The Criminal Justice and Public Order Act 1994 is...

*Local Government etc. (Scotland) Act 1994 (c.39)*

10 In section 150(1) of the Local Government etc. (Scotland) Act...

*Children (Scotland) Act 1995 (c.36)*

11 (1) The Children (Scotland) Act 1995 is amended as follows....

*Criminal Procedure (Scotland) Act 1995 (c.46)*

12 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...

*Police Act 1996 (c.16)*

13 (1) The Police Act 1996 is amended as follows.

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*Police Act 1997 (c.50)*

14 (1) The Police Act 1997 is amended as follows.

*Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11)*

15 (1) The Regulation of Investigatory Powers (Scotland) Act 2000 is...

*Transport (Scotland) Act 2001 (asp 2)*

16 (1) The Transport (Scotland) Act 2001 is amended as follows....

*International Criminal Court (Scotland) Act 2001 (asp 13)*

17 In section 15(2) of the International Criminal Court (Scotland) Act...

*Protection from Abuse (Scotland) Act 2001 (asp 14)*

18 In section 3 of the Protection from Abuse (Scotland) Act...

*Scottish Public Services Ombudsman Act 2002 (asp 11)*

19 (1) The Scottish Public Services Ombudsman Act 2002 is amended...

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

20 In schedule 1 to the Freedom of Information (Scotland) Act...

*Criminal Justice (Scotland) Act 2003 (asp 7)*

21 (1) The Criminal Justice (Scotland) Act 2003 is amended as...

*Dog Fouling (Scotland) Act 2003 (asp 12)*

22 In section 3 of the Dog Fouling (Scotland) Act 2003...

*Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)*

23 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003...

*Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)*

24 (1) The Antisocial Behaviour etc. (Scotland) Act 2004 is amended...

*Emergency Workers (Scotland) Act 2005 (asp 2)*

25 In the Emergency Workers (Scotland) Act 2005, for section 7 (saving...

*Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)*

26 (1) The Protection of Children and Prevention of Sexual Offences...

*Charities and Trustee Investment (Scotland) Act 2005 (asp 10)*

27 In section 86(2) of the Charities and Trustee Investment (Scotland)...

*Management of Offenders etc. (Scotland) Act 2005 (asp 14)*

28 In section 10(7) of the Management of Offenders etc. (Scotland)...

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*Licensing (Scotland) Act 2005 (asp 16)*

29 (1) The Licensing (Scotland) Act 2005 is amended as follows....

*Housing (Scotland) Act 2006 (asp 1)*

30 In section 166 of the Housing (Scotland) Act 2006 (interpretation...

*Edinburgh Tram (Line Two) Act 2006 (asp 6)*

31 In section 62 of the Edinburgh Tram (Line Two) Act...

*Edinburgh Tram (Line One) Act 2006 (asp 7)*

32 In section 62 of the Edinburgh Tram (Line One) Act...

*Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)*

33 (1) The Police, Public Order and Criminal Justice (Scotland) Act...

*Animal Health and Welfare (Scotland) Act 2006 (asp 11)*

34 In section 49(6) of the Animal Health and Welfare (Scotland)...

*Adult Support and Protection (Scotland) Act 2007 (asp 10)*

35 (1) The Adult Support and Protection (Scotland) Act 2007 is...

*Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)*

36 (1) The Protection of Vulnerable Groups (Scotland) Act 2007 is...

*Edinburgh Airport Rail Link Act 2007 (asp 16)*

37 In section 38(5) of the Edinburgh Airport Rail Link Act...

*Glasgow Commonwealth Games Act 2008 (asp 4)*

38 (1) The Glasgow Commonwealth Games Act 2008 is amended as...

*Marine (Scotland) Act 2010 (asp 5)*

39 In paragraph 12(2)(b) of schedule 2 to the Marine (Scotland)...

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

40 (1) The Public Services Reform (Scotland) Act 2010 is amended...

*Control of Dogs (Scotland) Act 2010 (asp 9)*

41 In section 13 of the Control of Dogs (Scotland) Act...

*Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

42 (1) The Criminal Justice and Licensing (Scotland) Act 2010 is...

*Alcohol etc. (Scotland) Act 2010 (asp 18)*

43 (1) The Alcohol etc. (Scotland) Act 2010 is amended as...

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*Children's Hearings (Scotland) Act 2011 (asp 1)*

44 In section 61(3) of the Children's Hearings (Scotland) Act 2011...

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

45 In the schedule to the Public Records (Scotland) Act 2011...  
PART 2 — AMENDMENTS RELATING TO PART 2

*Gas Act 1965 (c.36)*

46 In section 17(5) of the Gas Act 1965 (notification of...

*Transport Act 1968 (c.73)*

47 In section 102(4) of the Transport Act 1968 (exemption for...

*Pensions (Increase) Act 1971 (c.56)*

48 In paragraph 44 of Schedule 2 to the Pensions (Increase)...

*Health and Safety at Work etc. Act 1974 (c.37)*

49 In section 23(4)(b) of the Health and Safety at Work...

*Control of Pollution Act 1974 (c.40)*

50 In section 62(2)(a) of the Control of Pollution Act 1974...

*Water (Scotland) Act 1980 (c.45)*

51 (1) The Water (Scotland) Act 1980 is amended as follows....

*Zoo Licensing Act 1981 (c.37)*

52 In section 3(3) of the Zoo Licensing Act 1981 (appropriate...

*Civic Government (Scotland) Act 1982 (c.45)*

53 (1) The Civic Government (Scotland) Act 1982 is amended as...

*Road Traffic Regulation Act 1984 (c.27)*

54 In section 87(1)(a) of the Road Traffic Regulation Act 1984...

*Cinemas Act 1985 (c.13)*

55 (1) The Cinemas Act 1985 is amended as follows.

*Housing (Scotland) Act 1987 (c.26)*

56 In section 61(11) of the Housing (Scotland) Act 1987 (persons...

*Strathclyde Regional Council Order Confirmation Act 1991 (c.xx)*

57 In section 3(8)(a) of the Schedule to the Strathclyde Regional...

*Vehicle Excise and Registration Act 1994 (c.22)*

58 In Schedule 2 to the Vehicle Excise and Registration Act...

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*Merchant Shipping Act 1995 (c.21)*

59 In section 135(1) of the Merchant Shipping Act 1995 (restrictions...

*Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (c.xii)*

60 In section 6(9) of the Schedule to the Scottish Borders...

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

61 In schedule 3 to the Ethical Standards in Public Life...

*Scottish Public Services Ombudsman Act 2002 (asp 11)*

62 In schedule 2 to the Scottish Public Services Ombudsman Act...

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

63 In schedule 1 to the Freedom of Information (Scotland) Act...

*Local Government in Scotland Act 2003 (asp 1)*

64 In section 16(1) of the Local Government in Scotland Act...

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

65 In schedule 2 to the Public Appointments and Public Bodies...

*Fire and Rescue Services Act 2004 (c.21)*

66 (1) The Fire and Rescue Services Act 2004 is amended...

*Emergency Workers (Scotland) Act 2005 (asp 2)*

67 In section 1(3) of the Emergency Workers (Scotland) Act 2005...

*Fire (Scotland) Act 2005 (asp 5)*

68 (1) The Fire (Scotland) Act 2005 is amended as follows....

*Gambling Act 2005 (c.19)*

69 In section 157 of the Gambling Act 2005 (responsible authorities...

*Housing (Scotland) Act 2006 (asp 1)*

70 In paragraph 4 of schedule 2 to the Housing (Scotland)...

*Corporate Manslaughter and Corporate Homicide Act 2007 (c.19)*

71 In section 6(2) of the Corporate Manslaughter and Corporate Homicide...

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

72 (1) The Public Services Reform (Scotland) Act 2010 is amended...

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

73 In the schedule to the Public Records (Scotland) Act 2011...

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### PART 3 — AMENDMENTS RELATING TO BOTH PARTS

#### *Pipe-lines Act 1962 (c.58)*

74 In section 37 of the Pipe-lines Act 1962 (persons to...

#### *Local Government etc. (Scotland) Act 1994 (c.39)*

75 In section 43(4) of the Local Government etc. (Scotland) Act...

### SCHEDULE 8 — Repeals

PART 1 — REPEALS RELATING TO PART 1

PART 2 — REPEALS RELATING TO PART 2

PART 3 — REPEALS RELATING TO BOTH PARTS

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