

# **POLICE AND FIRE REFORM (SCOTLAND) ACT 2012**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Police Reform**

##### *Chapter 5 - Best Value*

46. **Section 37** places a statutory duty on the SPA and the chief constable to make arrangements which secure best value for the SPA and Police Service respectively. This replaces the current duty of best value on police authorities and joint boards under Section 1 of the Local Government in Scotland Act 2003 and places a duty on the chief constable for the first time. Best value is defined as meaning a continuous improvement in the performance of their respective functions. **Section 38** provides that, in carrying out their duties in regard to best value, they must have regard to: (a) any relevant guidance issued by the Scottish Ministers; and (b) anything regarded as proper arrangements for the purposes of securing best value. Relevant guidance is defined as meaning guidance on carrying out the duties in **sections 37(1)** and **37(2)**, including, in particular, guidance on how to make, and what is to be included in, the arrangements to secure best value, and guidance as to how to implement the duty to make such arrangements. Before issuing such guidance, the Scottish Ministers must consult the SPA, the chief constable and anyone else they consider appropriate. Where there is conflict between (a) and (b), the SPA and chief constable should have regard only to (a).
47. In making arrangements to secure best value, the SPA and chief constable are required to balance the quality of carrying out their functions, the cost of doing so, and the cost to persons of any service provided by the SPA or chief constable on a wholly or partly chargeable basis. In maintaining that balance, they must have regard to efficiency, effectiveness, economy and the need to meet equal opportunities requirements (as set out in Section L2 of Part 2 of Schedule 5 to the **Scotland Act 1998 (c.46)**). Both the SPA and the chief constable are to discharge their duties in a way which contributes to the achievement of sustainable development. When measuring the improvement of the performance of their functions, regard should be taken of the extent to which the outcomes of that performance have improved.