

## SCHEDULE 2

Article 6

Exercise of functions by constables and members of non-territorial police organisations

### **Application of 2016 Act to Ministry of Defence Police**

1. After section 2C of the Ministry of Defence Police Act 1987(1) insert—

#### **“2D Exercise of powers and privileges in Scotland**

(1) Where a member of the Ministry of Defence Police exercises in Scotland any power or privilege of a constable, Parts 1 and 2 of the Criminal Justice (Scotland) Act 2016 (in this section “the 2016 Act”) apply in relation to the exercise as though the power or privilege were exercised by a constable of the Police Service of Scotland.

(2) For the purposes of subsection (1)—

- (a) in section 64 of the 2016 Act (police custody), references to a person arrested by a constable are to be read as including a person arrested by a member of the Ministry of Defence Police,
- (b) section 69 of the 2016 Act (publication of information by police) does not apply.”.

### **Application of 2016 Act to British Transport Police Force**

2. After section 31 of the Railways and Transport Safety Act 2003(2) insert—

#### **“31A Exercise of powers and privileges in Scotland**

(1) Where a constable of the Police Force exercises in Scotland any power or privilege of a constable, Parts 1 and 2 of the Criminal Justice (Scotland) Act 2016 (in this section “the 2016 Act”) apply in relation to the exercise as though the power or privilege were exercised by a constable of the Police Service of Scotland.

(2) For the purposes of subsection (1)—

- (a) in section 64 of the 2016 Act (police custody), references to a person arrested by a constable are to be read as including a person arrested by a constable of the Police Force,
- (b) section 69 of the 2016 Act (publication of information by police) does not apply.”.

### **Application of 2016 Act to Civil Nuclear Constabulary**

3. After section 56 of the Energy Act 2004(3) insert—

#### **“56A Exercise of powers and privileges in Scotland**

(1) Where a member of the Constabulary exercises in Scotland any power or privilege of a constable, Parts 1 and 2 of the Criminal Justice (Scotland) Act 2016 (in this section “the 2016 Act”) apply in relation to the exercise as though the power or privilege were exercised by a constable of the Police Service of Scotland.

(2) For the purposes of subsection (1)—

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(1) 1987 c.4. Section 2C is inserted by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 4, paragraphs 48 and 50; it is amended by the Crime and Courts Act 2013 (c.22), Schedule 8, paragraph 31.  
(2) 2003 c.20.  
(3) 2004 c.20.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in section 64 of the 2016 Act (police custody), references to a person arrested by a constable are to be read as including a person arrested by a member of the Constabulary,
- (b) section 69 of the 2016 Act (publication of information by police) does not apply.”