
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 253

**The Police and Fire Reform (Scotland) Act
2012 (Commencement No. 1, Transitional,
Transitory and Saving Provisions) Order 2012**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Fire Reform (Scotland) Act 2012 (Commencement No. 1, Transitional, Transitory and Saving Provisions) Order 2012 and comes into force on 1st October 2012.

(2) In this Order—

“the 2005 Act” means the Fire (Scotland) Act 2005⁽¹⁾;

“the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012.

Appointed day

2.—(1) 1st October 2012 is the day appointed for the coming into force of the provisions of the 2012 Act specified in column 1 of the Schedule to this Order (the subject-matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, that provision comes into force on 1st October 2012 for that purpose only.

Transitional: annual police plans

3. Section 35(1) of the 2012 Act (annual police plans) does not apply in respect of any yearly period which begins before 1st April 2013.

Transitory: strategic police plan

4.—(1) This article has effect until the day on which section 71 of the 2012 Act (Her Majesty’s inspectors of constabulary in Scotland) comes into force.

(2) The reference in section 34(5)(a)(ii) of the 2012 Act (strategic police plan) to the inspectors of constabulary is construed as if it were a reference to the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967⁽²⁾.

Transitory: examinations by Auditor General

5.—(1) This article has effect until the day on which section 6 of the 2012 Act (the Police Service of Scotland) comes into force.

(2) Section 42(4) of the 2012 Act (examination of Police Service by Auditor General) is modified as follows—

(1) 2005 asp 5.

(2) 1967 c.77; section 33(1) was amended by S.I. 1999/1820.

- (a) in paragraph (a), omit “or the Police Service”; and
- (b) in paragraph (b), after “resources” insert “the chief constable considers will be”.

Transitory: consultation requirements

6.—(1) This article has effect until the day on which paragraph 33(11) of schedule 7 to the 2012 Act (interpretation) comes into force.

(2) For the purposes of section 66 of the 2012 Act (investigations: procedure), the following terms in the section inserted by that section have the following meanings—

- “chief constable” means the chief constable appointed under section 7 of the 2012 Act;
- “senior officers” means chief constables, deputy chief constables and assistant chief constables of police forces established under the Police (Scotland) Act 1967;
- “superintendents” and “chief superintendents” mean superintendents and chief superintendents of police forces established under the Police (Scotland) Act 1967; and
- “the Authority” means the Scottish Police Authority.

Transitory saving: fire and rescue authorities’ current framework document

7.—(1) This article has effect until the day on which the repeal of section 42 of the 2005 Act (reporting) by schedule 8 to the 2012 Act comes into force.

(2) Despite the amendments made by paragraph 68(15) and (16) of schedule 7 to the 2012 Act—

- (a) sections 40(1), (3) and (6) of the 2005 Act (framework document) continue to have effect on and after 1st October 2012 as they had effect before that date, but only in relation to the framework document given effect by the Fire and Rescue Services (Framework) (Scotland) Order 2012(3);
- (b) sections 41(1), (2), (4), (5) and (6) of the 2005 Act (adherence) continue to have effect on and after 1st October 2012 as they had effect before that date, but only in relation to—
 - (i) the framework document mentioned in paragraph (a); and
 - (ii) any order made under section 41(4) of the 2005 Act before 1st October 2012.

Transitory: SFRS’s first strategic plan

8.—(1) Paragraphs (2) and (3) have effect until the day on which the amendments made by paragraph 68(20) of schedule 7 to the 2012 Act come into force (interpretation).

(2) For the purposes of section 114 of the 2012 Act (strategic plan), in relation to the insertion of section 41A into the 2005 Act (SFRS’s first strategic plan), the reference in section 41A(4)(a) to the framework document is construed as a reference to the document prepared under, and having effect by virtue of, section 40 of the 2005 Act as amended by paragraph 68(15) of schedule 7 to the 2012 Act (SFRS framework document).

(3) For the purposes of paragraph 68(16) of schedule 7 to the 2012 Act (adherence to framework document), in relation to the amendments made to section 41 of the 2005 Act, the references in those amendments to the framework document are construed as references to the document prepared under, and having effect by virtue of, section 40 of the 2005 Act as amended by paragraph 68(15) of schedule 7 to the 2012 Act (SFRS framework document).

St Andrew's House,
Edinburgh
13th September 2012

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