

SCHEDULE 2

Article 3

Transitory and transitional provision

Interpretation

1. In this Schedule—

“1967 Act inspectors” means the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967(1);

“2005 Act” means the Fire (Scotland) Act 2005(2);

“2005 Act Chief Inspector” means the Chief Inspector of Fire and Rescue Authorities appointed under section 43(1)(a) of the 2005 Act;

“2005 Act Inspector” means—

- (a) an Inspector of Fire and Rescue Authorities appointed under section 43(1)(b) or by virtue of section 43(4)(b) of the 2005 Act; and
- (b) an Assistant Inspector of Fire and Rescue Authorities appointed under section 43(2) or by virtue of section 43(4)(c) of that Act;

“Assistant Inspector of the Scottish Fire and Rescue Service” means a person appointed under section 43A(2) or by virtue of section 43A(5)(c) of the 2005 Act;

“Chief Inspector of the Scottish Fire and Rescue Service” means the person appointed under section 43A(1)(a) or by virtue of section 43A(5)(a) of the 2005 Act; and

“Inspector of the Scottish Fire and Rescue Service” means a person appointed under section 43A(1)(b) or by virtue of section 43A(5)(b) of the 2005 Act.

Transitory modifications

2.—(1) Until 1st April 2013, the 2012 Act is modified as follows.

(2) Section 3(1) is to be read as if for “pursuance” to “2(1)(a)” there was substituted “anticipation of having, by virtue of the coming into force of section 2(1)(a), the function of maintaining the Police Service”.

(3) Section 74(2) is to be read as if “inspectors of constabulary” was a reference to the 1967 Act inspectors.

(4) In section 75—

(a) subsection (1) is to be read as if—

- (i) the reference to “inspectors of constabulary” was a reference to the 1967 Act inspectors; and
- (ii) in paragraph (a), for “them” there was substituted “inspectors of constabulary to be appointed under section 71 of, or by virtue of paragraph 16(1) of schedule 5 to, this Act”;

(b) subsection (3) is to be read as if the reference to “inspectors of constabulary” was a reference to the 1967 Act inspectors; and

(c) subsection (4) is to be read as if the references to “inspectors of constabulary”, in both places, were references to the 1967 Act inspectors.

(5) In section 76—

(1) 1967 c.77. Section 33(1) has been amended by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820).

(2) 2005 asp 5.

Status: This is the original version (as it was originally made).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

- (a) subsection (1) is to be read as if—
 - (i) the reference to “inspectors of constabulary” was a reference to the 1967 Act inspectors; and
 - (ii) after “functions” there was inserted “under section 74(2)(b) or 75(1)”; and
- (b) subsection (2) is to be read as if—
 - (i) the references to “any assistant inspector of constabulary” and “staff officers” were to assistant inspectors of constabulary and staff officers appointed under section 34 of the 1967 Act; and
 - (ii) after “functions”, there was inserted “under this section or section 74(2)(b) or 75(1)”.
- (6) Section 77 is to be read as if—
 - (a) both references to “inspectors of constabulary” were references to the 1967 Act inspectors; and
 - (b) after “functions”, there was inserted “under section 74(2)(b), 75(1) or 76”.
- (7) Section 79 is to be read as if the references to “inspectors of constabulary”, in each place they occur, were references to the 1967 Act inspectors.
- (8) Section 80 is to be read as if—
 - (a) the reference to “inspectors of constabulary” was to the 1967 Act inspectors; and
 - (b) the words “78 or” were omitted.
- (9) Section 81(1) is to be read as if—
 - (a) the reference to “inspectors of constabulary” was to the 1967 Act inspectors; and
 - (b) the words “78 or” were omitted.
- (10) Section 85 is to be read as if—
 - (a) the words “and the Police Investigations and Review Commissioner”, in each place they occur, were omitted; and
 - (b) the references to “inspectors of constabulary”, in each place they occur, were to the 1967 Act inspectors; and
 - (c) in subsection (4), the words in parenthesis were omitted.
- (11) In section 119—
 - (a) the inserted section 43B(1) and (4) to (7) of the 2005 Act is to be read as if the references to “Inspector”, in each place they occur, were references to the 2005 Act Chief Inspector and any 2005 Act Inspector;
 - (b) the inserted section 43C of the 2005 Act is to be read as if—
 - (i) the references to the Chief Inspector, in each place they occur, were references to the 2005 Act Chief Inspector; and
 - (ii) in subsection (3), “(a) or” was omitted;
 - (c) the inserted section 43E of the 2005 Act is to be read as if the words “or 43D(3)” were omitted;
 - (d) the inserted section 43F(1) of the 2005 Act is to be read as if—
 - (i) “Chief Inspector” was a reference to the 2005 Act Chief Inspector; and
 - (ii) in paragraph (a), “Inspectors” was a reference to—
 - (aa) the Chief Inspector of the Scottish Fire and Rescue Service;
 - (bb) Inspectors of the Scottish Fire and Rescue Service; and

- (cc) Assistant Inspectors of the Scottish Fire and Rescue Service;
- (e) the inserted section 43F(3) and (4) of the 2005 Act is to be read as if the references to the “Chief Inspector”, in each place they occur, were references to the 2005 Act Chief Inspector; and
- (f) the inserted 43G of the 2005 Act is to be read as if the references to “Inspectors”, in both places, were to the 2005 Act Chief Inspector and any 2005 Act Inspector.

Transitional provision

3.—(1) Anything done under the 2012 Act before 1st April 2013 by or in relation to the 1967 Act inspectors is to be treated, on and after that day, as having been done by or in relation to the inspectors of constabulary appointed under section 71 of, or by virtue of paragraph 16(1) of schedule 5 to, the 2012 Act.

(2) Anything done under the 2012 Act before 1st April 2013 by or in relation to an assistant inspector of constabulary appointed under section 34 of the 1967 Act is to be treated, on and after that day, as having been done by or in relation to an assistant inspector of constabulary appointed under section 72 of, or by virtue of paragraph 16(2) of schedule 5 to, the 2012 Act.

(3) Anything done under the 2012 Act before 1st April 2013 by or in relation to a staff officer appointed under section 34 of the 1967 Act is to be treated, on and after that day, as having been done by or in relation to a staff officer appointed under section 73, or by virtue of paragraph 16(3) of schedule 5 to, the 2012 Act.

(4) Anything done under the provisions of the 2005 Act specified in sub-paragraph (5) before 1st April 2013 by or in relation to the 2005 Act Chief Inspector is to be treated, on and after that day, as having been done by or in relation to the Chief Inspector of the Scottish Fire and Rescue Service.

(5) The provisions referred to in sub-paragraph (4) are—

- (a) section 43B(1), (4) and (5);
- (b) section 43C(2) and (3);
- (c) section 43F(1), (3) and (4); and
- (d) section 43G.

(6) Anything done under the provisions of the 2005 Act specified in sub-paragraph (7) before 1st April 2013 by or in relation to a 2005 Act Inspector is to be treated, on and after that day, as having been done by or in relation to an Inspector of the Scottish Fire and Rescue Service or an Assistant Inspector of the Scottish Fire and Rescue Service.

(7) The provisions referred to in sub-paragraph (6) are—

- (a) section 43B(1), (4) and (5); and
- (b) section 43G.