

POLICY NOTE TO
THE POLICE SERVICE OF SCOTLAND (AMENDMENT) REGULATIONS 2013

SSI 2013/122

The above instrument was made in exercise of the powers conferred by section 48 of the Police and Fire Reform (Scotland) Act 2012 and section 82(4) of the Police Reform Act 2002. The instrument is subject to negative procedure.

Policy Objectives

1. These Regulations amend the Police Service of Scotland Regulations 2013 and the Police Service of Scotland (Special Constables) Regulations 2013, to insert requirements about the immigration status of candidates for appointment to the Police Service. The requirement is that, if they are not nationals of an EEA State, they must have leave to enter or remain in the United Kingdom for an indefinite period.
2. This requirement is the same in terms of effect as that which applied to candidates for appointment to a police force under the Police (Scotland) Regulations 2004 and the Police (Special Constables) (Scotland) Regulations 2008, and very similar requirements apply in relation to other police forces in the UK. It is considered appropriate that the office of constable is restricted to people who are able to make a long-term commitment to that role, in terms of being permitted to live and work in the UK.
3. The power to make provision in Regulations about the nationality and immigration status of candidates for appointment to police forces derives from section 82 of the Police Reform Act 2002. That section is amended to refer to the Police Service of Scotland by the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013, which only came into force on 1 April 2013. It was not therefore possible to include this provision in the Police Service of Scotland Regulations 2013 and the Police Service of Scotland (Special Constables) Regulations 2013 when they were made. Those Regulations needed to come into force themselves on 1 April to provide for the terms and conditions of constables transferring to the Police Service.

Consultation

4. As required by section 54 of the Police and Fire Reform (Scotland) Act 2012, a draft of these Regulations was shared for consultation with the chief constable, the Scottish Police Authority, the Scottish Police Federation, the Association of Scottish Police Superintendents, the Scottish Chief Police Officers Staff Association and the Association of Chief Police Officers for Scotland.

Impact Assessments

5. This Order has no effect on any equality issues. It deals with immigration status, which is not a protected characteristic, rather than nationality or national origin.

Financial Effects

6. The Cabinet Secretary for Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate

2 April 2013