

POLICY NOTE

THE SCOTTISH POLICE AUTHORITY (PROVISION OF GOODS AND SERVICES) ORDER 2013

SSI 2013/73

1. The above instrument (copy attached) is made in exercise of the powers conferred by section sections 87 (1) and (3) of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”). The instrument is subject to negative procedure.

Policy Objectives

2. The 2012 Act, which received Royal Assent on 7 August 2012, changes the policing landscape in Scotland. It brings together the current eight forces, the Scottish Police Services Authority (SPSA) and the Scottish Crime and Drug Enforcement Agency (SCDEA) into a single Police Service of Scotland from 1 April 2013.

3. The Act establishes the Scottish Police Authority (SPA) which is responsible for the governance, oversight and maintenance of the Police Service of Scotland and for holding the chief constable to account for the policing of Scotland. The SPA must also provide forensic services to the Police Service, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal.

4. The Act sets out the governance arrangements and framework for the new services, including the statutory framework for the delivery of police services and appropriate scrutiny and oversight arrangements.

5. This instrument made under Section 87 (1)(b) and (3)0(b) is required to allow the SPA to honour contracts in place prior to 1 April 2013 with private companies and persons for the provision of various goods and services, and which need to continue for periods beyond the end of March 2013. It is also required to provide for new contracts with private companies and persons.

6. Scottish Ministers wish to provide that the Scottish Police Authority and the Police Service of Scotland should:

a) be able to honour contracts with organisations, private companies and persons that they will inherit on 1 April 2013, and

b) be able to provide, and charge for, goods and services to organisations, private companies and persons of specified types in the future,

provided that the goods and services are provided in connection with the carrying out of the Authority’s functions or, as the case may be, police functions. It is not the intention that the provision of such goods and services should be unrestricted.

7. Schedules 1 and 2 of the Order specify the types of goods and services which may be provided and the types of person to whom they may be provided.

Provisions

8. Chapter 13 of the 2012 Act provides for the Scottish Police Authority and the Chief Constable to charge for goods and services provided by the Authority and/or the Police Service of Scotland. This consists of two sections: 86 and 87.

9. Section 86 provides for provision of and charging for police services (such as the policing of major events including football matches, music festivals etc.) and is not subject to the provisions of this order.

10. Section 87 (1)(b) and (3)(b) provides for the provision of and charging for 'other' goods and services (i.e. non-police services including vehicle maintenance, ICT, training etc) and is subject to the Order.

11. Section 87 (8) (a and b) of the Act sets out some of the areas of goods and services which may be provided in pursuance of subsection (1) or (3) (or which may be specified in an order made under those subsections) to include—

(a) information technology systems and equipment (and services involving the development, provision, procurement, maintenance, management, support or oversight of such systems or equipment),

(b) services involving the inspection, testing, maintenance or repair of vehicles,

12. Sub section 8 (c) provides for any other type of corporate or support service which is provided by the Authority or the Police Service in connection with the carrying out of the Authority's functions or, as the case may be, police functions and therefore an order is required to specify the 'types of goods and services' and the 'types of persons'.

Impact Assessment

13. A Business Regulatory Impact Assessment (BRIA) was carried out for the Police and Fire Reform (Scotland) Bill, which became the Act. No BRIA is therefore required for these regulations.

Scottish Government
Safer Communities Directorate
February 2013