
STATUTORY INSTRUMENTS

1995 No. 647 (S.53)

POLICE

The Police (Discipline) (Miscellaneous Amendments) (Scotland) Regulations 1995

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 26 of the Police (Scotland) Act 1967(1) and of all other powers enabling him in that behalf, after taking into consideration any representations made by the Joint Central Committee of the Police Federation for Scotland and such bodies and associations as appear to him to be representative of police authorities, chief constables and superintendents (including chief superintendents) respectively, following the submission of a draft of the Regulations in accordance with section 26(9) of the said Act of 1967, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Discipline) (Miscellaneous Amendments) (Scotland) Regulations 1995 and shall come into force on 1st April 1995.

Amendment of the Police (Discipline) (Scotland) Regulations 1967

2.—(1) The Police (Discipline) (Scotland) Regulations 1967(2) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (procedure in relation to all constables), for the words “the deputy” there are substituted the words “any assistant”.

(3) In the heading to Part III(3), the words “, deputy chief constables” are omitted.

(4) In regulation 3 (interpretation)(4)—

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- (1) 1967 c. 77; section 26(1A) and (10) were inserted by the Police and Criminal Evidence Act 1984 (c. 60) (“the 1984 Act”), section 111(1); section 26(7) was amended by the 1984 Act, Schedule 6, paragraph 32; section 26(9) was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(4); section 26(1) was amended by the Police and Magistrates' Courts Act 1994 (c. 29) (“the 1994 Act”), section 53(1); section 26(2B) was inserted by the 1994 Act, section 52(3); section 26(5A) was inserted by the 1994 Act, section 53(1).
- (2) S.I. 1967/1021, amended by S.I. 1971/843, 1972/777, 1975/1544, 1976/1073, 1982/902, 1987/2226, 1990/469 and 1990/1017.
- (3) Part III was substituted by S.I. 1982/902.
- (4) Regulation 3 was substituted by S.I. 1982/902.

- (a) after the definition of “appropriate disciplinary authority” there is inserted the following definition:—

““assistant chief constable” means (other than where those words appear in regulation 4) the constable of that rank who is required by the chief constable to exercise any function of the assistant chief constable specified in these Regulations in relation to any particular report, allegation or complaint which is the subject of investigation or consideration in terms of these Regulations and shall include a constable acting in place of that assistant chief constable;” and

- (b) the definition of “deputy chief constable” is omitted.

(5) In regulation 4 (scope)(5), the words “, a deputy chief constable,” are omitted.

(6) In regulation 5 (investigation of charge)(6)—

- (a) in paragraph (1), for the word “deputy” in each place where it occurs there is substituted the word “assistant”; and

(b) in paragraph (2)—

(i) for the words “a deputy” there are substituted the words “the assistant”; and

(ii) for the word “deputy” where it occurs for the second and third times there is substituted the word “assistant”.

(7) In regulations 6 (formulation and withdrawal of charges)(7), 7 (alleged criminal offence)(8), 8 (documents to be supplied to the accused)(9), 9 (information from the accused in response to the discipline form)(10), 9A (variation of election on legal representation)(11), 10 (arrangements for the hearing)(12), 13 (statements in lieu of oral evidence)(13), 19 (suspension)(14), 20 (offences by constables of different police forces)(15) and 21 (records)(16) and in Schedule 3(17) for the word “deputy” in each place where it occurs there is substituted the word “assistant”.

(8) In regulation 11A(1) (representation of parties)(18), for the words “a deputy” there are substituted the words “the assistant”.

Amendment of the Police (Discipline) (Senior Officers) (Scotland) Regulations 1990

3.—(1) The Police (Discipline) (Senior Officers) (Scotland) Regulations 1990(19) are amended in accordance with the following paragraph of this regulation.

(2) In regulation 2 (interpretation and application)—

- (a) in paragraph (1), in the definition of “senior officer”, the words “, a deputy chief constable,” are omitted; and

(b) in paragraph (3), the words “, deputy chief constable” are omitted.

(5) Regulation 4 was substituted by [S.I. 1982/902](#).

(6) Regulation 5 was substituted by [S.I. 1982/902](#).

(7) Regulation 6 was substituted by [S.I. 1982/902](#) and amended by [S.I. 1987/2226](#).

(8) Regulation 7 was substituted by [S.I. 1982/902](#).

(9) Regulation 8 was substituted by [S.I. 1982/902](#).

(10) Regulation 9 was substituted by [S.I. 1987/2226](#).

(11) Regulation 9A was inserted by [S.I. 1987/2226](#).

(12) Regulation 10 was substituted by [S.I. 1987/2226](#).

(13) Regulation 13 was substituted by [S.I. 1982/902](#).

(14) Regulation 19 was substituted by [S.I. 1982/902](#).

(15) Regulation 20 was substituted by [S.I. 1982/902](#).

(16) Regulation 21 was substituted by [S.I. 1982/902](#).

(17) Schedule 3 was substituted by [S.I. 1987/2226](#).

(18) Regulation 11A was inserted by [S.I. 1987/2226](#).

(19) [S.I. 1990/1017](#).

St Andrew's House,
Edinburgh
7th March 1995

Fraser of Carmyllie
Minister of State, Scottish Office

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the separate Regulations dealing with discipline of police constables of the ranks below that of assistant chief constable and of that rank and above respectively. The amendments are consequential on the abolition of the rank of deputy chief constable by virtue of the coming into force of section 48 of the Police and Magistrates' Courts Act 1994 (c. 29) on 1st April 1995.

In terms of article 4 of the Police and Magistrates' Courts Act 1994 (Commencement No.7 and Transitional Provisions) (Scotland) Order 1995 (S.I. 1995/492), any person who on 1st April 1995 would hold the rank of deputy chief constable in a police force maintained under section 1 of the Police (Scotland) Act 1967 but for the commencement by that Order of the provisions of the said Act of 1994 abolishing that rank shall hold the rank of assistant chief constable. Accordingly, where in terms of the Police (Discipline) (Scotland) Regulations 1967 the deputy chief constable has assigned to him certain functions, these Regulations make amendments which have the effect of transferring these functions to the assistant chief constable of the relevant police force who is required by the chief constable to perform the function in any particular case.