
STATUTORY INSTRUMENTS

1996 No. 1646

**The Police and Magistrates' Courts Act 1994
(Commencement No.10 and Savings) (Scotland) Order 1996**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No.10 and Savings) (Scotland) Order 1996 and shall come into force on 1st August 1996.

(2) In this Order—

“the 1967 Act” means the Police (Scotland) Act 1967(1);

“the 1967 Regulations” means the Police (Discipline) (Scotland) Regulations 1967(2);

“the 1969 Rules” means the Police (Appeals) (Scotland) Rules 1969(3);

“the 1990 Regulations” means the Police (Discipline) (Senior Officers) (Scotland) Regulations 1990(4);

“the 1994 Act” means the Police and Magistrates' Court Act 1994;

“disciplinary offence” means a disciplinary offence set out in the Discipline Code in Schedule 1 to the 1967 Regulations;

“existing case” means any case where an act or omission was committed or made by a constable of a police force before 1st August 1996, which amounts or may amount to a disciplinary offence at the time when the act or omission was committed or made and, without prejudice to that generality, an existing case includes any such case irrespective of whether it is before, on or after that date that—

- (a) a report, allegation or complaint is received in relation thereto;
- (b) the constable is charged or found guilty of that disciplinary offence; or
- (c) an appeal is made in relation to such a finding and any punishment imposed or only in relation to a punishment;

but, for the avoidance of doubt, it does not include any case where—

- (i) the disciplinary offence consists of the conviction of the constable of a criminal offence as mentioned in paragraph 13 of Schedule 1 to the 1967 Regulations; and
- (ii) such a conviction occurs on or after that date, even although the act or omission which constituted the criminal offence of which the constable was convicted was committed or made by the constable before that date;

“existing provisions” means—

(a) the provisions of section 44 of the Police Act 1964;

(b) the provisions of sections 7(3), 26, 30 and 42(1) of, and paragraph 2 of Schedule 2 and Schedule 3 to, the 1967 Act;

(1) 1967 c. 77.

(2) S.I.1967/1021, amended by S.I. 1971/843, 1975/1544, 1976/1073, 1982/902, 1987/2226 and 1995/647.

(3) S.I. 1969/1632.

(4) S.I. 1990/1017, amended by S.I. 1995/647.

Status: This is the original version (as it was originally made).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

- (c) the 1967 Regulations and the 1990 Regulations and any regulations made under section 26 of the 1967 Act on or after 1st August 1996 which amend either of those Regulations in relation to existing cases;
 - (d) the 1969 Rules and any rules made under paragraph 5 of Schedule 3 to the 1967 Act on or after 1st August 1996 which amend those Rules in relation to existing cases,
- and any reference in this definition to a provision of the Police Act 1964 or the 1967 Act or to the 1969 Rules, the 1967 Regulations or the 1990 Regulations (but not to any rules or regulations amending those Rules or Regulations on or after 1st August 1996) is a reference to that provision or to those Rules or Regulations as in force immediately before 1st August 1996.