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STATUTORY INSTRUMENTS

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**2013 No. 602**

**The Police and Fire Reform (Scotland) Act 2012  
(Consequential Provisions and Modifications) Order 2013**

**PART 1**

**PRELIMINARY**

**Interpretation**

**2. In this Order—**

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

“1968 Act” means the Firearms Act 1968**(2)**;

“1987 Act” means the Ministry of Defence Police Act 1987**(3)**;

“1988 Act” means the Firearms (Amendment) Act 1988**(4)**;

“1996 Act” means the Police Act 1996**(5)**;

“2000 Act” means the Regulation of Investigatory Powers Act 2000**(6)**;

“2004 Act” means the Fire and Rescue Services Act 2004**(7)**;

“2005 Act” means the Fire (Scotland) Act 2005**(8)**;

“2006 Order” means the Fire and Rescue Services (Northern Ireland) Order 2006**(9)**;

“2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006**(10)**;

“2012 Act” means the Police and Fire Reform (Scotland) Act 2012**(11)**;

“2004 Act authority” means—

- (a) a fire and rescue authority determined under section 1 of the 2004 Act;
- (b) a fire and rescue service for a combined area constituted by order under section 2 of the 2004 Act**(12)**;
- (c) a combined authority constituted by a scheme to which section 4**(13)** of the 2004 Act applies;

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**(1)** 1967 c.77.

**(2)** 1968 c.27.

**(3)** 1987 c.4.

**(4)** 1988 c.45.

**(5)** 1996 c.16.

**(6)** 2000 c.23.

**(7)** 2004 c.21.

**(8)** 2005 asp 5.

**(9)** S.I. 2006/1254 (N.I. 9).

**(10)** 2006 asp 10.

**(11)** 2012 asp 8.

**(12)** There are amendments to section 2 not relevant to this Order.

**(13)** There are amendments to section 4 not relevant to this Order.

“2004 Act function” means a function conferred by or under any of sections 7 to 9 and 11 of the 2004 Act;

“board function” means a function conferred by or under any of articles 5 to 8 of the 2006 Order;

“customs revenue functions” has the meaning given in section 7(9) of the Borders, Citizenship and Immigration Act 2009<sup>(14)</sup>;

“customs revenue official” means a person designated by the Director of Border Revenue under section 11 of the Borders, Citizenship and Immigration Act 2009;

“Director of Border Revenue” means the official designated by the Secretary of State under section 6 of the Borders, Citizenship and Immigration Act 2009;

“enforcement functions” includes, in particular, reference to—

- (d) powers of entry;
- (e) power to search persons or property;
- (f) power to seize or detain property;
- (g) power to arrest persons;
- (h) power to detain persons; and
- (i) powers to examine persons or otherwise to obtain information (including powers to take fingerprints or to acquire other personal data);

“fire and rescue officer” has the meaning given by article 2(2) of the 2006 Order;

“general customs functions” has the meaning given in section 1(8) of the Borders, Citizenship and Immigration Act 2009<sup>(15)</sup>;

“general customs official” means a person designated by the Secretary of State under section 3 of the Borders, Citizenship and Immigration Act 2009;

“immigration officer” means a person appointed under paragraph 1 of Schedule 2 to the Immigration Act 1971<sup>(16)</sup>;

“Northern Ireland Board” means the Northern Ireland Fire and Rescue Service Board;

“Scottish chief officer” means a chief constable of a police force maintained under section 2 of the 1967 Act.

“SFRS” means the Scottish Fire and Rescue Service;

“SFRS function” means a function conferred by or under any of sections 9 to 11 and 13 of the 2005 Act;

“SOCA” means the Serious Organised Crime Agency;

“the Commissioner” means the Police Investigations and Review Commissioner; and

“the relevant day” is the day on which this Order comes into force.

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(14) 2009 c.11.

(15) Section 1(8) has been amended by the Treaty of Lisbon (Change in Terminology) Order 2011 (S.I. 2011/1043), Part 2, article 6(2)(a).

(16) 1971 c.77. Paragraph 1 of Schedule 2 has been amended by the Health Protection Agency Act 2004 (c.17), Schedule 3, paragraph 3 and by S.I. 1993/1813, Schedule 5, paragraph 1(a).