

## SCHEDULE 2

### PART 1

#### MODIFICATIONS OF PUBLIC GENERAL ACTS

##### *Serious Organised Crime and Police Act 2005*

- 48.**—(1) The Serious Organised Crime and Police Act 2005 is modified as follows.
- (2) In section 3(5) (functions of SOCA as to information relating to crime)(1) omit paragraph (d).
- (3) In section 6 (annual plans)(2)—
- (a) in subsection (7)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
- (b) omit subsection (8).
- (4) In section 7 (annual reports)(3)—
- (a) in subsection (4)(d), for “each police authority for an area in Scotland, each joint police board” substitute “the Scottish Police Authority”; and
- (b) omit subsection (5).
- (5) In section 16(13) (inspections) for “section 33(1) of the Police (Scotland) Act 1967 (c.77)” substitute “section 71(2) of the Police and Fire Reform (Scotland) Act 2012”.
- (6) In section 23 (mutual assistance between SOCA and law enforcement agencies: voluntary arrangements)(4)—
- (a) omit subsections (5) and (7)(b);
- (b) in subsection (10), for paragraph (a) and (b) substitute—
- “(a) the Police Service of Scotland, or”; and
- (c) in subsection (11)—
- (i) omit the definitions of “police member” and “support staff member”;
- (ii) in the definition of “relevant policing body”—
- (aa) for paragraph (a) substitute—
- “(a) in relation to the Police Service of Scotland, the Scottish Police Authority,”; and
- (bb) omit paragraph (f).
- (7) In section 24(2)(b) (mutual assistance between SOCA and law enforcement agencies: directed arrangements)(5) omit “other than the Scottish Crime and Drug Enforcement Agency”.

---

(1) 2005 c.15. Paragraph (d) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13 and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(2).

(2) Section 6 has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 6, paragraph 345. There are other amendments to section 6 not relevant to this Order.

(3) Section 7 has been amended by the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 346. There are other amendments to section 7 not relevant to this Order.

(4) Section 23 has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(3), S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(3) and the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 347. There are other amendments to section 23 not relevant to this Order.

(5) Section 24(2)(b) was amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(4) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(4).

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

- (8) In section 25 (directed arrangements: Scotland)(6)—
- (a) in subsection (1)(a)—
    - (i) for “a body within subsection (2)” substitute “the Police Service of Scotland”; and
    - (ii) for “a body within that subsection” substitute “that Service”;
  - (b) in subsection (1)(b) for “the body” substitute “that Service”;
  - (c) omit subsection (2);
  - (d) in subsection (3)—
    - (i) in paragraph (a), for “chief officer of the police force” substitute “chief constable of the Police Service of Scotland”; and
    - (ii) omit paragraph (b);
  - (e) in subsection (4) for the words “a police force in Scotland or to the Scottish Crime and Drug Enforcement Agency” where they occur substitute “the Police Service of Scotland”; and
  - (f) omit subsection (5).
- (9) In section 31(5) (liability of special police forces and law enforcement agencies for unlawful conduct of SOCA staff)(7), in the definition of “relevant authority” omit paragraph (d).
- (10) In section 36 (general duty of police to pass information to SOCA)—
- (a) in subsection (1) for “Great Britain” substitute “England and Wales”; and
  - (b) after subsection (2) insert—
    - “(2A) The chief constable of the Police Service of Scotland has a corresponding duty in relation to crime in Scotland.”.
- (11) In section 42(1) (interpretation of chapter 1)—
- (a) in the definition of “chief officer”—
    - (i) in paragraph (b) for “a police force in Scotland, the chief constable” substitute “the Police Service of Scotland, the chief constable of that Service”; and
    - (ii) omit paragraph (g)(8);
  - (b) omit the definition of “joint police board”; and
  - (c) in the definition of “police force”—
    - (i) in paragraph (a), for “, Wales or Scotland, or” substitute “or Wales,”; and
    - (ii) after that paragraph insert—
      - “(aa) the Police Service of Scotland, or”.
- (12) In section 47 (person having powers of constable: Scotland and Northern Ireland)(9)—
- (a) in subsection (3)(a) for “Director General of the Scottish Crime and Drug Enforcement Agency” substitute “chief constable of the Police Service of Scotland”; and

---

(6) Section 25(2), (3) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(5) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(5) and section 25(5) was inserted by those provisions. There are other amendments to section 25 not relevant to this Order.

(7) Paragraph (d) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(6) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(6).

(8) Paragraph (g) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(7) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(7).

(9) Section 47(3)(a) and (4) have been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(8) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(8). There are other amendments to section 47 not relevant to this Order.

- (b) in subsection (4) from “either” to the end substitute “a senior officer (within the meaning of section 99(1) of the Police and Fire Reform (Scotland) Act 2012) of the Police Service of Scotland.”
- (13) In section 82(5) (protection of persons involved in investigations or proceedings)—
  - (a) for paragraph (b) substitute—
    - “(b) the chief constable of the Police Service of Scotland;”;
  - (b) omit paragraph (f)(**10**).
- (14) In section 156 (payments by Scottish Ministers to police authorities etc. in relation to the prevention, detection and enforcement of certain traffic offences)—
  - (a) in the section title for “police authorities etc.” substitute “Scottish Police Authority”; and
  - (b) in subsection (1), for “a police authority or joint police board (within the meaning of the Police (Scotland) Act 1967 (c.77))” substitute “the Scottish Police Authority”.
- (15) In Schedule 5 (persons specified for the purposes of section 82)—
  - (a) in paragraph 15, for “(within” to the end substitute “(as defined by section 99(1) of the Police and Fire Reform (Scotland) Act 2012)”; and
  - (b) in paragraph 20A(**11**) omit the words “is or” where they occur.

---

(10) Subsection (5)(f) has been amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(9) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(9).

(11) Paragraph 20A was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), schedule 6, paragraph 13(11) and S.I. 2007/1098, Schedule 1, Part 1, paragraph 6(13).