

*Draft Order laid before the Scottish Parliament under section 172(8) of the Serious Organised Crime
and Police Act 2005, for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

POLICE

The Police Act 1997 Amendment (Scotland) Order 2006

Made - - - - 2006
Coming into force - - 2006

The Scottish Ministers in exercise of the powers conferred by section 173(1)(a) and 173(5)(b)(ii) and (iii) of the Serious Organised Crime and Police Act 2005⁽¹⁾, hereby make the following Order, a draft of which has, in accordance with section 172(8) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

1.—(1) This Order may be cited as the Police Act 1997 Amendment (Scotland) Order 2006 and except for paragraphs (2), (5) and (6) of article 2, shall come into force on the day after the day on which it is made.

(2) Paragraph (2) of article 2 comes into force immediately after the coming into force of section 163 (so far as it inserts section 113C of the Police Act 1997 and so far as it extends to Scotland) of the Serious Organised Crime and Police Act 2005, paragraph (5) of that article comes into force immediately after the coming into force of section 165(2) of that Act (so far as it extends to Scotland) and paragraph (6) of that article comes into force immediately after the coming into force of paragraph 14 of Schedule 14 (so far as it so extends) to that Act.

(3) This Order extends to Scotland only.

Amendment of the Police Act 1997

2.—(1) In section 112(1) of the Police Act 1997 (criminal conviction certificates)⁽²⁾—

(a) in paragraph (a) after “prescribed” insert “manner and”; and

(b) for paragraph (b) substitute—

“(b) pays in the prescribed manner any prescribed fee”.

(1) 2005 c. 15.
(2) 1997 c. 50.

- (2) In section 113C(3)(e)(3) of that Act (criminal record certificates: suitability relating to children), after “in pursuance of” insert “the law of”.
- (3) In section 114(1) of that Act (criminal record certificates: Crown employment)–
- (a) in paragraph (a) after “prescribed” insert “manner and”; and
 - (b) for paragraph (b) substitute–
“**(b)** pays in the prescribed manner any prescribed fee”.
- (4) In section 116(1) of that Act (enhanced criminal record certificates: judicial appointments and Crown employment)–
- (a) in paragraph (a) after “prescribed” insert “manner and”; and
 - (b) for paragraph (b) substitute–
“**(b)** pays in the prescribed manner any prescribed fee”.
- (5) In section 120A(6)(4) of that Act (refusal and cancellation of registration: Scotland)–
- (a) for “this section” substitute “subsection (3)(d) of this section”;
 - (b) after “police force” insert “in England and Wales or Northern Ireland”; and
 - (c) omit “(a) to (i)”.
- (6) In section 125(6)(5) of that Act (exercise of power in Scotland), for “(3)” substitute “(4)”.

St Andrew’s House,
Edinburgh
2005

A member of the Scottish Executive

(3) Section 113C is inserted into the Police Act 1997 by section 163 of the Serious Organised Crime and Police Act 2005 (c. 15).
(4) Section 120A(6) is inserted into the Police Act 1997 by section 165(2) of the Serious Organised Crime and Police Act 2005.
(5) Section 125(6) is inserted into the Police Act 1997 by section 163(3) of, and Schedule 14, paragraph 14 to, the Serious Organised Crime and Police Act 2005.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which apart from article 2(2), (5) and (6) comes into force the day after the day on which it is made, makes supplemental provision in sections 112(1), 114(1) and 116(1) of the Police Act 1997 (c. 50) in its application to Scotland. Provision is made in consequence of provision made by the Serious Organised Crime and Police Act 2005 (c. 15), which inserted sections 113A and 113B into the Police Act 1997.

The Order adjusts the wording of the enabling power in those sections so as specifically to enable prescription of the manner in which application forms can be sent, and so as to enable prescription of the manner in which the fee accompanying the application should be submitted.

The Order also clarifies the meaning of “police force” in section 120A of, and corrects minor typographical errors in, the Police Act 1997, in provisions which are inserted by the Serious Organised Crime and Police Act 2005.