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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**

**Citation, commencement and extent**

**1.—**(1) This Order may be cited as the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.

(2) This Order comes into force on 1st April 2013.

(3) Subject to paragraphs (4) to (8), the provisions of this Order extend to the whole of the United Kingdom.

(4) Articles 3 to 14 and 24 extend to Scotland only.

(5) The modifications specified in Schedule 1 (and article 25 in so far as it relates to those modifications) have the same extent as the provisions being modified, except that the modifications do not extend to Scotland.

(6) Subject to paragraph (7), the modifications specified in Schedule 2 (and article 26 in so far as it relates to those modifications) have the same extent as the provisions being modified.

(7) The modifications specified in paragraphs 65, 66, 73, 74(2) and 76 of Schedule 2 (and article 26 in so far as it relates to those modifications) extend to Scotland only.

(8) In Schedule 3—

(a) paragraphs 1 to 11 and 13 to 18 (and article 27 in so far as it relates to those paragraphs) have the same extent as the provisions to which they relate; and

(b) paragraphs 12 and 19 (and article 27 in so far as it relates to those paragraphs) extend to Scotland only.

**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);

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(1) 1967 c.77.

(2) 1968 c.27.

(3) 1987 c.4.

(4) 1988 c.45.

- “1996 Act” means the Police Act 1996<sup>(5)</sup>;
- “2000 Act” means the Regulation of Investigatory Powers Act 2000<sup>(6)</sup>;
- “2004 Act” means the Fire and Rescue Services Act 2004<sup>(7)</sup>;
- “2005 Act” means the Fire (Scotland) Act 2005<sup>(8)</sup>;
- “2006 Order” means the Fire and Rescue Services (Northern Ireland) Order 2006<sup>(9)</sup>;
- “2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006<sup>(10)</sup>;
- “2012 Act” means the Police and Fire Reform (Scotland) Act 2012<sup>(11)</sup>;
- “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<sup>(12)</sup>;
  - (c) a combined authority constituted by a scheme to which section 4<sup>(13)</sup> of the 2004 Act applies;
- “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>;

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<sup>(5)</sup> 1996 c.16.

<sup>(6)</sup> 2000 c.23.

<sup>(7)</sup> 2004 c.21.

<sup>(8)</sup> 2005 asp 5.

<sup>(9)</sup> S.I. 2006/1254 (N.I. 9).

<sup>(10)</sup> 2006 asp 10.

<sup>(11)</sup> 2012 asp 8.

<sup>(12)</sup> There are amendments to section 2 not relevant to this Order.

<sup>(13)</sup> There are amendments to section 4 not relevant to this Order.

<sup>(14)</sup> 2009 c.11.

<sup>(15)</sup> 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).

“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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(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).