SCOTTISH STATUTORY INSTRUMENTS

2005 No. 361

POLICE

The Criminal Justice (Scotland) Act 2003 (Amendment of Police (Scotland) Act 1967) Order 2005

Made - - - - 24th June 2005

Coming into force in accordance with article 1

The Scottish Ministers, in exercise of the powers conferred by section 84 of the Criminal Justice (Scotland) Act 2003(**a**) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 88(2)(b) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Amendment of Police (Scotland) Act 1967) Order 2005 and shall come into force on the day after the day on which it is made.

Additional Deputy Chief Constables

2. After section 5 of the Police (Scotland) Act 1967(**b**) insert–

"**Deputy chief constables – supplementary**

5ZA.—(1) A person who held the rank of deputy chief constable in a police force before a period of appointment under section 33 of this Act, and who returns to that force at the end of the period in question is entitled to return as a deputy chief constable of that force.

(2) If by virtue of subsection (1) above or section 38A(3)(a)(**c**) of this Act there is more than one person in a police force who holds the rank of deputy chief constable, one of the persons who holds it shall be designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of this Act.

(**a**) 2003 asp 7.
(**b**) 1967 c.77. Sections 5 and 5A were substituted by section 75 of the Criminal Justice (Scotland) Act 2003.
(**c**) Section 38A(3)(a) was inserted by the Police and Magistrates Courts Act 1994 (c.29), section 60.

(3) A person shall be designated under subsection (2) above by the police authority after consultation with the chief constable and subject to the approval of the Scottish Ministers.".

CATHY JAMIESON
A member of the Scottish Executive

St Andrew's House,
Edinburgh
24th June 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Police (Scotland) Act 1967 ("the 1967 Act") by inserting a new section 5ZA (Deputy Chief Constables – supplementary).

Section 75 of the Criminal Justice (Scotland) Act 2003 ("the 2003 Act") amended the 1967 Act by re-instating the rank of deputy chief constable to police forces in Scotland. Section 75 was commenced on 25th June 2004 by S.S.I. 2004/240.

Under the amendment that was made by section 75 of the 2003 Act police forces may have only one deputy chief constable. The new section 5ZA makes supplemental provision to allow police forces to have more than one person of the rank of deputy chief constable where that person held the rank of deputy chief constable and returns to that force after a period of service elsewhere.

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