EXECUTIVE NOTE

DRAFT : The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Modification of Agency's Powers and Incidental Provision) Order 2007

The above instrument is made in exercise of the powers conferred by sections 18(1) and 102 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 ("the 2006 Act"). The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of this instrument is to correct 3 typographical errors contained in the above Act.

Modification of section 17 of the 2006 Act

1. Section 17(1)(b) of the 2006 Act (powers of the Scottish Crime and Drug Enforcement Agency) enables the Agency to act in support of activities of certain bodies if those bodies request support. The bodies it refers to are those "mentioned in section 17(b) to (q)". The cross reference should be to section 2(3)(b) to (p). The power under section 18(1) to modify section 17 has been used.

Modification to section 60A(2)(a)(i) of the Police Act 1996, inserted by schedule 6, paragraph 5 of the 2006 Act

2. Section 60A(2)(a)(i) makes provision as to the effect of section 59(2) of the Police Act 1996 in relation to police members of the Agency. It was intended to provide that, as far as police members of the Agency are concerned, the Police Federation may represent those police members at any conduct or discipline proceedings brought under regulations made under the 2006 Act in which they are involved. The text of section 60A(2)(a)(i) currently, however, indicates that the reference in section 59(2) is to regulations made in accordance with section 23(2)(a). That section contains a power to make regulations providing for the qualifications for appointment. The correct reference should be to section 23(2)(g). The modification power at section 102 has been used.

Modification to section 60A(3) of the Police Act 1996, inserted by schedule 6, paragraph 5 of the 2006 Act

3. Inserted section 60A(3) of the Police Act 1996 states "the reference in section 60(3) to regulations under section 26 of the Police (Scotland) Act 1967..." The correct reference should be to section 60(2)(e). The modification power at section 102 has been used.

Consultation

The following bodies have been consulted on a draft of the instrument in accordance with section 18(2) of the Police, Public Order and Criminal Justice (Scotland) Act 2007.

The Scottish Police Services Authority
The Director General of the Scottish Crime and Drug Enforcement Agency
The Association of Chief Police Officers in Scotland
Scottish Police Authorities Convener's Forum

Financial Effects

The instrument has no financial effect on the Scottish Executive, local government or on business.

Scottish Executive – Justice Department
February 2007