

# Criminal Justice (Scotland) Bill

---

---

## 1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

#### Corroboration

9, 1, 2, 3, 4, 5, 6, 66, 68

#### Age of criminal responsibility

54

#### Removal of not proven verdict (and jury verdicts)

102, 103, 104

#### Written record of state of preparation

67

#### Automatic early release of prisoners

106, 49

#### References by SCCRC to High Court: test for quashing convictions

7, 8

#### Detention or imprisonment of person with responsibility for a child

107, 108, 109

#### Publication of prosecutorial test

69

#### Aggravations as to people trafficking

70, 71, 72

#### Participation of detained person in proceedings through TV link

73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 101

**Electronic proceedings**

83

**Authorisation under Part III of Police Act 1997**

84

**Evidence relating to sexual offence: legal representation**

105

**Police Negotiating Board for Scotland**

85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 90

**Police powers to stop and search**

50, 51, 52, 53

**Provision of information on rights to suspects**

10, 11, 28

**Authorisation to keep person in police custody**

12

**Extension of 12 hour limit to 24 hours in exceptional circumstances**

13, 14, 15, 16, 17

**Arrest and custody of person with responsibility for a child**

39, 40, 110, 41, 42, 43, 44, 45, 46

**Release on conditions: power to specify period for which conditions to apply**

18, 19, 20, 21, 22, 23, 24, 25, 26, 27

**Release on conditions or on undertaking: purposes for which conditions may be imposed**

47, 48

**Circumstances in which interview may take place without solicitor present**

29

**Rights of persons aged under 18**

55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 38, 32

*Notes on amendments in this group*

Amendment 38 pre-empts amendment 32

**Persons unable to understand what is happening or communicate effectively**

30, 31, 33, 34

**Duty to consider child's best interests**

65

**Disclosure of information relating to person not officially accused**

35, 36

**Meaning of “arrest”**

37

**THIS IS NOT THE MARSHALLED LIST**

**Amendments in debating order**

**Corroboration**

**Graeme Pearson**

9\* Before section 57, insert—

**<PART**

**SCOTTISH CRIMINAL EVIDENCE AND PROCEDURE COMMISSION**

**Scottish Criminal Evidence and Procedure Commission**

- (1) There is established a body to be known as the Scottish Criminal Evidence and Procedure Commission (“the Commission”).
- (2) The purpose of the Commission is to report to the Scottish Parliament by 31 December 2015 on the matters specified in subsection (3).
- (3) The matters referred to in subsection (2) are—
  - (a) to review the law relating to evidence and procedure in criminal cases in Scotland,
  - (b) to consider the need for the requirement for corroboration in criminal proceedings, and
  - (c) to consider changes to the law relating to evidence and procedure in criminal cases that would be required if the requirement for corroboration is removed.
- (4) The Commission—
  - (a) is not a servant or agent of the Crown, and
  - (b) has no status, immunity or privilege of the Crown.
- (5) Any property held by the Commission is not property of, or property held on behalf of, the Crown.
- (6) The Commission is to consist of not fewer than 5 members.
- (7) Members of the Commission are to be appointed by Her Majesty on the recommendation of the First Minister, following approval by the Scottish Parliament of the proposed nomination.
- (8) At least one third of the members must be persons who are—
  - (a) members of the Faculty of Advocates, or
  - (b) solicitors who are enrolled in the roll of solicitors kept under section 7 of the Solicitors (Scotland) Act 1980,of at least 10 years’ standing.
- (9) At least one third of the members must be persons who appear to the First Minister to have practical knowledge of the rights of, and support for, victims and witnesses in criminal proceedings.
- (10) One of the members mentioned in subsection (9) is to be appointed by Her Majesty, on the recommendation of the First Minister, to chair the Commission.>

**THIS IS NOT THE MARSHALLED LIST**

**Margaret Mitchell**  
**Supported by: Alison McInnes**

1 Leave out section 57

**Margaret Mitchell**  
**Supported by: Alison McInnes**

2 Leave out section 58

**Margaret Mitchell**  
**Supported by: Alison McInnes**

3 Leave out section 59

**Margaret Mitchell**  
**Supported by: Alison McInnes**

4 Leave out section 60

**Margaret Mitchell**  
**Supported by: Alison McInnes**

5 Leave out section 61

**Margaret Mitchell**  
**Supported by: Alison McInnes**

6 Leave out schedule 2

**Michael Matheson**

66 Move section 62 to after section 85

**Michael Matheson**

68 Leave out section 70

**Age of criminal responsibility**

**Alison McInnes**

54 After section 62, insert—

<PART

AGE OF CRIMINAL RESPONSIBILITY

**Age of criminal responsibility**

In section 41 (age of criminal responsibility) of the 1995 Act, for the word “eight” there is substituted “12”.>

## THIS IS NOT THE MARSHALLED LIST

### Removal of not proven verdict (and jury verdicts)

**Michael McMahon**

**102** After section 62, insert—

<PART

REMOVAL OF THE NOT PROVEN VERDICT

#### **Removal of the not proven verdict**

After section 292 of the 1995 Act insert—

*“Available verdicts*

#### **292A Available verdicts**

There are only two verdicts available in criminal proceedings, guilty and not guilty.”.>

**Michael McMahon**

**103** In section 70, page 31, line 38, leave out from <the> to end of line and insert <for “subsection (2)” substitute “section 90ZA”,>

**Michael McMahon**

**104** In section 70, page 32, line 11, leave out from <is> to end of line 16 and insert <must return a verdict of not guilty if it is unable to return a verdict of guilty.”.>

### Written record of state of preparation

**Michael Matheson**

**67** In section 66, page 28, leave out lines 22 to 25

### Automatic early release of prisoners

**Margaret Mitchell**

**106** After section 71, insert—

*<Commission to review prisoner release arrangements*

#### **Commission to review prisoner release arrangements**

- (1) The Scottish Ministers are to establish a commission for the purpose of reviewing the rules governing the release of offenders from prison (in particular any arrangements under which prisoners are automatically released at a particular point in, or after serving a specified proportion of, their sentence).
- (2) The commission to be established under subsection (1) is to consist of no fewer than six members, who are to have such experience in relation to the criminal justice system and matters to do with offenders and offending (and reoffending) behaviour as the Scottish Ministers consider appropriate.

## THIS IS NOT THE MARSHALLED LIST

- (3) The commission to be established under subsection (1) is to make a final report to the Scottish Parliament no later than 31 December 2016.>

### Margaret Mitchell

49 After section 72, insert—

#### <Release of prisoners other than life prisoners

For section 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 there is substituted—

#### “1 Release of prisoners other than life prisoners

- (1) This section applies to all prisoners other than life prisoners.
- (2) As soon as a prisoner has served the term of imprisonment specified in the prisoner’s sentence, the Scottish Ministers must, unless the prisoner has already been released under subsection (3) or section 3(1), release the prisoner unconditionally.
- (3) As soon as a prisoner has served five-sixths of the term of imprisonment specified in the prisoner’s sentence, the Scottish Ministers must, if recommended to do so by the Parole Board, release the prisoner on licence.”>

### References by SCCRC to High Court: test for quashing convictions

#### Christine Grahame

7 In section 82, page 37, line 18, leave out from <for> to end of line 27 and insert <the words “, subject to section 194DA of this Act,” are repealed.>

#### Christine Grahame

8 In section 82, page 37, line 28, at end insert—

<( ) In section 194C, subsection (2) is repealed.>

### Detention or imprisonment of person with responsibility for a child

#### Mary Fee

107 After section 82, insert—

#### <PART

#### CHILDREN AFFECTED BY PARENTAL IMPRISONMENT

#### **National strategy on the impact of sentencing on children affected by parental imprisonment**

- (1) The Scottish Ministers must, before the end of the period of one year beginning with the day of Royal Assent, lay before the Parliament draft regulations making provision for the development and implementation of a national strategy focusing on—
  - (a) the use of child and family impact assessments,

## **THIS IS NOT THE MARSHALLED LIST**

- (b) the types of custodial and non-custodial sentences which should be considered by the courts where a person who is responsible for a child has been convicted of an offence,
  - (c) the appropriateness and effectiveness of different types of custodial and non-custodial sentences which could be imposed where a person who is responsible for a child has been convicted of an offence, and
  - (d) the impact of custodial sentences on children affected by parental imprisonment.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.
- (3) Before laying draft regulations before the Parliament, the Scottish Ministers must consult—
- (a) local authorities,
  - (b) the Scottish Police Authority,
  - (c) Health Boards,
  - (d) children and families affected by parental imprisonment,
  - (e) organisations working for and on behalf of children,
  - (f) organisations working for and on behalf of—
    - (i) prisoners,
    - (ii) children and families affected by parental imprisonment, and
  - (g) such other persons as they consider appropriate.
- (4) For the purposes of such a consultation, the Scottish Ministers must—
- (a) lay a copy of the proposed draft regulations before the Parliament,
  - (b) publish in such manner as the Scottish Ministers consider appropriate a copy of the proposed draft regulations, and
  - (c) have regard to any representations about the proposed draft regulations that are made to them within 60 days of the date on which the copy of the proposed draft regulations is laid before the Parliament.
- (5) In calculating any period of 60 days for the purposes of subsection (4)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (6) When laying regulations before the Parliament under subsection (1), the Scottish Ministers must also lay before the Parliament an explanatory document giving details of—
- (a) the consultation carried out under subsection (3),
  - (b) any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the proposed draft regulations as a result of those representations.
- (7) In this Part—
- “child” means a person who has not attained the age of 18 years,
  - “Health Board” means a board constituted by an order under section 2(1)(a) of the National Health Service (Scotland) Act 1978.

## THIS IS NOT THE MARSHALLED LIST

- (8) In this Part—
- (a) references to children affected by parental imprisonment are references to children, a person with responsibility for whom has been—
    - (i) remanded in custody awaiting trial,
    - (ii) found by a court to have committed an offence punishable with imprisonment and has been remanded in custody awaiting sentence, or
    - (iii) sentenced to a term of imprisonment or other detention,
  - (b) references to a person with responsibility for a child are references to—
    - (i) a person who has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to a child,
    - (ii) a person who—
      - (A) is otherwise legally liable to maintain a child, or
      - (B) has care of a child.>

### Mary Fee

108 After section 82, insert—

#### <Annual report: sentencing and the impact of parental imprisonment

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, lay before the Parliament a report outlining, in respect of the reporting year to which it relates—
  - (a) the total number of people who have responsibility for a child who have been remanded in custody or sentenced to a term of imprisonment or other detention,
  - (b) the total number of people who have responsibility for a child who have been convicted of an offence and sentenced to a non-custodial sentence,
  - (c) the total number of child and family impact assessments undertaken where people who have responsibility for a child have been remanded in custody or were sentenced to a term of imprisonment or other detention, and
  - (d) confirmation of the total number of children who, following a child and family impact assessment being undertaken, required a child's plan under section 33 of the Children and Young People (Scotland) Act 2014.
- (2) The Scottish Ministers must, as soon as practicable after laying a report under subsection (1) before the Parliament, publish the report in such manner as they consider appropriate.
- (3) In this section, “reporting year” means each period of one year beginning on 1 April, with the first such period beginning on the 1 April first occurring after Royal Assent.>

### Mary Fee

109 After section 82, insert—

#### <Duty to undertake a child and family impact assessment

- (1) Subsection (2) applies where a person who has responsibility for a child—
  - (a) has been remanded in custody awaiting trial,

## **THIS IS NOT THE MARSHALLED LIST**

- (b) has been found by a court to have committed an offence punishable with imprisonment and has been remanded in custody awaiting sentence, or
  - (c) has been sentenced to a term of imprisonment or other detention.
- (2) The court must ensure that an assessment (a “child and family impact assessment”) is carried out to determine the likely impact of the imprisonment or other detention on the wellbeing of the child, and to identify any support and assistance which will be necessary to meet the child’s wellbeing needs.
- (3) A child and family impact assessment must be undertaken as soon as reasonably practicable after the period of imprisonment or other detention has been imposed on the person.
- (4) A child and family impact assessment must—
- (a) consider how the imprisonment or other detention is likely to affect the wellbeing of any child for whom the person is responsible,
  - (b) identify the wellbeing needs of any child arising from the imprisonment or other detention,
  - (c) confirm any actions to be taken, as a result of the child and family impact assessment, to ensure that the child’s wellbeing needs are met,
  - (d) confirm who is to be responsible for taking those actions,
  - (e) provide advice and information about what can best be done to address the wellbeing needs of the child, and
  - (f) specify arrangements for a future review of the child and family impact assessment.
- (5) The Scottish Ministers may by regulations make provision requiring such persons (or descriptions of persons) as may be prescribed in the regulations to undertake a child and family impact assessment under subsection (2).
- (6) Regulations under subsection (5) are subject to the affirmative procedure.>

### **Publication of prosecutorial test**

**Michael Matheson**

**69** Before section 83, insert—

#### <CHAPTER

#### PUBLICATION OF PROSECUTORIAL TEST

#### **Publication of prosecutorial test**

- (1) The Lord Advocate must make available to the public a statement setting out in general terms the matters about which a prosecutor requires to be satisfied in order to initiate, and continue with, criminal proceedings in respect of any offence.
- (2) The reference in subsection (1) to a prosecutor is to one within the Crown Office and Procurator Fiscal Service.>

**THIS IS NOT THE MARSHALLED LIST**

**Aggravations as to people trafficking**

**Michael Matheson**

**70** Leave out section 83

**Michael Matheson**

**71** Leave out section 84

**Michael Matheson**

**72** Leave out section 85

**Participation of detained person in proceedings through TV link**

**Michael Matheson**

**73** In section 86, page 39, line 24, leave out <, a detained person is to participate in a specified> and insert <at any time before or at a specified hearing, a detained person is to participate in the>

**Michael Matheson**

**74** In section 86, page 39, line 32, leave out <an ad hoc hearing held> and insert <any proceedings at a specified hearing or otherwise in the case>

**Michael Matheson**

**75** In section 86, page 39, line 35, leave out <a specified hearing or such an ad hoc hearing> and insert <any specified hearing or other proceedings>

**Michael Matheson**

**76** In section 86, page 39, line 37, after <hearing> insert <or other proceedings>

**Michael Matheson**

**77** In section 86, page 40, line 1, after <hearing> insert <or other proceedings>

**Michael Matheson**

**78** In section 86, page 40, line 6, leave out <a specified hearing> insert <any specified hearing or other proceedings>

**Michael Matheson**

**79** In section 86, page 40, line 9, after <charge> insert <on any complaint or indictment>

**Michael Matheson**

**80** In section 86, page 40, line 16, leave out from beginning to <where> in line 21 and insert—  
<(3) The court may postpone a specified hearing to a later day if>

**Michael Matheson**

**81** In section 86, page 40, leave out lines 26 to 28

## THIS IS NOT THE MARSHALLED LIST

### Michael Matheson

82 In section 86, page 40, line 28, at end insert—

#### <Effect of postponement

- (1) Except where a postponement under section 288I(3) is while section 18(2) of the Criminal Justice (Scotland) Act 2015 applies to a detained person, the following do not count towards any time limit arising in such a person's case if such a postponement in the case is to the next day on which the court is sitting—
  - (a) that next day,
  - (b) any intervening Saturday, Sunday or court holiday.
- (2) Even while section 18(2) of the Criminal Justice (Scotland) Act 2015 applies to a detained person, that section does not prevent a postponement under section 288I(3) in the person's case.
- (3) In section 288I and this section, “postpone” includes adjourn.>

### Michael Matheson

101 In section 18, page 9, line 6, at end insert <(by virtue of a determination by the court that the person is to do so by such means)>

### Electronic proceedings

### Michael Matheson

83 After section 86, insert—

#### <Electronic proceedings

- (1) In section 305 (Acts of Adjournal) of the 1995 Act, after subsection (1) there is inserted—

“(1A) Subsection (1) above extends to making provision by Act of Adjournal for something to be done in electronic form or by electronic means.”.
- (2) These provisions of the 1995 Act are repealed—
  - (a) in section 141—
    - (i) subsection (3A),
    - (ii) in subsection (5), the words “(including a legible version of an electronic communication)”,
    - (iii) subsection (5ZA),
    - (iv) in subsection (5A), paragraph (b) together with the word “or” immediately preceding it,
    - (v) subsections (6A), (7A) and (7B),
  - (b) section 303B together with the italic heading immediately preceding it,
  - (c) section 308A.
- (3) In the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, section 42 is repealed.>

## THIS IS NOT THE MARSHALLED LIST

### Authorisation under Part III of Police Act 1997

Michael Matheson

84 After section 86, insert—

#### <CHAPTER

#### AUTHORISATION UNDER PART III OF THE POLICE ACT 1997

#### **Authorisation of persons other than constables**

In section 108 (interpretation of Part III) of the Police Act 1997, after subsection (1) there is inserted—

- “(1A) A reference in this Part to a staff officer of the Police Investigations and Review Commissioner is to any person who—
- (a) is a member of the Commissioner’s staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006, or
  - (b) is a member of the Commissioner’s staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies.”>

### Evidence relating to sexual offence: legal representation

Margaret Mitchell

105 After section 86, insert—

#### <CHAPTER

#### EVIDENCE RELATING TO SEXUAL OFFENCES: LEGAL REPRESENTATION

#### **Evidence relating to sexual offences: legal representation**

In section 275 (exception to restrictions under section 274) of the 1995 Act, after subsection (5), insert—

- “(5A) Where an application under subsection (1) is made, the complainer must in respect of that application—
- (a) be informed of the right of the complainer—
    - (i) to seek legal advice,
    - (ii) to appoint a legal representative,
  - (b) be given the opportunity—
    - (i) to seek such advice,
    - (ii) to appoint such a representative.
- (5B) Where the complainer appoints a legal representative—
- (a) a copy of the application must be sent to the legal representative, and
  - (b) the legal representative must be given an opportunity to—
    - (i) submit written evidence on the matters set out in the application in accordance with subsection (3),

## **THIS IS NOT THE MARSHALLED LIST**

(ii) represent the complainer at any hearing in relation to the application.

(5C) The Scottish Ministers must by regulations make provision for fees incurred by a legal representative appointed under subsection (5B) to be paid out of the Scottish Legal Aid Fund.”.>

### **Police Negotiating Board for Scotland**

#### **Michael Matheson**

**85** In section 87, page 42, line 12, leave out <a time period> and insert <or extend a time limit>

#### **Michael Matheson**

**86** In section 87, page 42, leave out line 18

#### **Michael Matheson**

**87** In section 87, page 42, line 27, at end insert—

#### **<55CA Steps following arbitration**

- (1) If representations under section 55B(1) are made in terms settled through arbitration in accordance with the PNBS’s constitution, the Scottish Ministers must take all reasonable steps appearing to them to be necessary for giving effect to those representations.
- (2) However, this—
  - (a) requires the Scottish Ministers to take such steps only in qualifying cases (see paragraph 4C(2) of schedule 2A),
  - (b) does not require the Scottish Ministers—
    - (i) to take such steps in relation to representations that are no longer being pursued by the PNBS, or
    - (ii) where such steps would comprise or include the making of regulations under section 48, to make regulations under that section more than once with respect to the same representations.>

#### **Michael Matheson**

**88** In section 87, page 42, line 34, leave out from <subsection> to end of line and insert <this Chapter, “reporting year” is as defined in the PNBS’s constitution.”.>

#### **Michael Matheson**

**89** In section 87, page 43, line 3, at end insert—

<( ) In section 125 (subordinate legislation) of the Police and Fire Reform (Scotland) Act 2012, after subsection (3) there is inserted—

“(3A) Regulations under paragraph 4(6) of schedule 2A are subject to the affirmative procedure if they include provisions of the kind mentioned in paragraph 4B(2) or 4C(2) of that schedule.”.>

**THIS IS NOT THE MARSHALLED LIST**

**Michael Matheson**

- 91 In schedule 3, page 50, leave out line 6

**Michael Matheson**

- 92 In schedule 3, page 50, line 12, leave out <and deputy chairperson>

**Michael Matheson**

- 93 In schedule 3, page 50, line 18, leave out <or deputy chairperson>

**Michael Matheson**

- 94 In schedule 3, page 50, line 21, at end insert—

*<Temporary chairperson*

- (1) The PNBS may have a temporary chairperson if (for the time being)—
  - (a) there is no chairperson, or
  - (b) the chairperson is unavailable to act.
- (2) A reference in this Chapter to the chairperson is to be read, where appropriate to do so by virtue of sub-paragraph (1), as meaning or including (as the context requires) the temporary chairperson.>

**Michael Matheson**

- 95 In schedule 3, page 50, line 24, leave out <chairperson or deputy chairperson> and insert <the chairperson>

**Michael Matheson**

- 96 In schedule 3, page 50, line 34, leave out from second <the> to end of line 35 and insert <consensus to be reached among the members of the PNBS on the terms of representations to be made under section 55B(1) or 55C(1).>

**Michael Matheson**

- 97 In schedule 3, page 51, leave out lines 1 and 2 and insert—

<( ) The constitution—

- (a) may require a dispute on representations to be made under section 55B(1) to be submitted to arbitration by agreement among the members to do so, and must not prevent such a dispute from being submitted to arbitration on such agreement (except prevention by way of limitation as allowed below),
- (b) may—
  - (i) authorise the chairperson to submit such a dispute to arbitration without such agreement,
  - (ii) limit how often within a reporting year such a dispute can be submitted to arbitration (including limitation framed by reference to particular matters or circumstances).>

## THIS IS NOT THE MARSHALLED LIST

### Michael Matheson

98 In schedule 3, page 51, line 18, at end insert—

- <(6) The constitution, or any revision of it, has effect only when brought into effect by the Scottish Ministers by regulations.>

### Michael Matheson

99 In schedule 3, page 51, line 18, at end insert—

#### <Process of arbitration

4A(1) Sub-paragraph (2) applies where—

- (a) a dispute is submitted to arbitration in accordance with the constitution, and
- (b) no arbitration agreement relating to the dispute is in place.

(2) A document submitting the dispute to arbitration is deemed to be an arbitration agreement.

(3) For the application of the Arbitration (Scotland) Act 2010, a reference in this paragraph to an arbitration agreement is to such an agreement as defined by section 4 of that Act.

4B(1) Sub-paragraph (2) applies for the purpose of arbitration in accordance with the constitution (whether such arbitration arises by reason of a real or deemed arbitration agreement).

(2) Regulations under paragraph 4(6) may include provisions disapplying or modifying the mandatory rules in schedule 1 to the Arbitration (Scotland) Act 2010.

4C(1) Sub-paragraph (2) applies for the purpose of the operation of section 55CA.

(2) Regulations under paragraph 4(6) may include provisions specifying, by reference to particular matters or circumstances, what are qualifying cases.>

### Michael Matheson

100 In schedule 3, page 51, line 21, leave out <and deputy chairperson>

### Michael Matheson

90 After section 87, insert—

#### <Consequential and transitional

(1) In connection with section 87—

(a) in schedule 1 to the Freedom of Information (Scotland) Act 2002, after paragraph 50A there is inserted—

“50B The Police Negotiating Board for Scotland.”,

(b) in schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003, at the appropriate place under the heading referring to offices there is inserted—

“Chairperson of the Police Negotiating Board for Scotland”.

(2) On the coming into force of section 87—

**THIS IS NOT THE MARSHALLED LIST**

- (a) a person then holding office as the chairman of the Police Negotiating Board for the United Kingdom by virtue of section 61(2) of the Police Act 1996 is to be regarded as if appointed as the chairperson of the Police Negotiating Board for Scotland under paragraph 2(2) of schedule 2A to the Police and Fire Reform (Scotland) Act 2012,
- (b) any agreements then extant within or involving the Police Negotiating Board for the United Kingdom (so far as relating to the Police Service of Scotland) of the kind for which Chapter 8A of Part 1 of the Police and Fire Reform (Scotland) Act 2012 includes provision are to be regarded as if made as agreements within or involving the Police Negotiating Board for Scotland by virtue of that Chapter.>

