

## Railway Policing (Scotland) Bill

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Bill Number:	SP Bill 2
Introduced on:	8 December 2016
Introduced by:	Scottish Government Bill
Passed:	27 June 2017
Royal Assent:	1 August 2017

2017 asp 4

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### Passage of the Bill

The Railway Policing (Scotland) Bill was introduced in the Scottish Parliament on 8 December 2016 by the Cabinet Secretary for Justice, Michael Matheson MSP.

The Justice Committee was designated lead committee on the Bill and issued a [call for evidence](#) on the general principles of the Bill which closed on 31 January 2017. In response, the Committee received 50 responses.

The Committee took oral evidence on the Bill at its meetings on [7](#), [14](#), [21](#) and [28](#) March and published its [stage 1 report](#) on 28 April 2017. Consideration of the Bill at stage 1 concluded with the [stage 1 debate](#) on 9 May 2017. Consideration of amendments at stage 2 took place at the Committee meeting on [30 May 2017](#) and following the [stage 3 debate](#) on 27 June 2017, the Bill was passed and received Royal Assent on 1 August 2017.

### Purpose and objectives of the Bill

The Policy Memorandum states that the policy objective of the Bill is:

“...to pave the way for the integration of railway policing into the Police Service of Scotland (Police Scotland) by (a) providing the Scottish Police Authority (SPA) and Police Scotland with new powers in relation to the policing of railways and railway property and (b) removing powers in relation to such policing in Scotland from the British Transport Police Force (BTP) and the British Transport Police Authority (BTPA)”.

In essence, the Bill is the first step of a major integration programme which will require a substantial amount of subordinate legislation both at the Scottish Parliament and at Westminster.

## **Provisions of the Bill**

The provisions in the Bill confer powers on Police Scotland and the Scottish Police Authority (SPA) in preparation for the integration of the British Transport Police (BTP) in Scotland into Police Scotland. Specifically, the Bill:

- enables the SPA to enter into railway policing agreements with railway operators to provide for policing in respect of the railways and railway property;
- creates an obligation on the SPA to set up a formal mechanism for it and the Chief Constable to engage regularly with railway operators about railway policing
- confers a power on constables of Police Scotland to enter specified railway property
- removes functions conferred on the British Transport Police Authority and constables of the BTP in or as regards Scotland

## **Parliamentary consideration**

A substantial majority of the written and oral evidence received during the Committee's Stage 1 scrutiny of the Bill focussed on matters surrounding the intention and possible implications of integrating railway policing into Police Scotland, rather than on the specific provisions contained within the Bill which were, essentially, enabling provisions.

Issues which raised significant concern amongst stakeholders focussed on alternative ways of policing the railways in Scotland without moving to full integration; how British Transport Police (BTP) officers would be integrated into Police Scotland should they wish to transfer; the possibility that many BTP officers would not transfer creating difficulties in terms of retention and having specialised officers to police the railways in Scotland; training for Police Scotland officers; and the terms and conditions for those officers who did choose to transfer.

A majority of the Justice Committee supported the general principles of the Bill while a minority of the Committee supported an alternative approach to devolved railway policing.

A [number of amendments](#) were brought forward at stage 2 of the Bill. The only substantive amendment which was agreed to at stage 2 was one brought forward by John Finnie MSP concerning a limitation on the redeployment of constables.

The purpose of the amendment was to put on a statutory footing, assurances that were offered by Police Scotland in oral evidence that any BTP officer who transferred into Police Scotland would continue to work on railway policing duties unless they agreed to move. The amendment achieves this by providing a protection to officers that is modelled on the Police and Fire Reform (Scotland) Act 2012 protection for officers who transferred from the territorial forces into Police Scotland.

The protection in the 2012 Act set out that an officer must not be assigned to duties that would require them to move away from the geographical area of their former force unless they consented to do that. The restriction in the amendment to the Bill relates to railway policing rather than geographic location. That would facilitate officers who serve within the BTP at the moment moving from one area to another but remaining within railway policing. The intention of the amendment was to provide a greater level of assurance to officers who wish to continue their careers in railway policing and place Police Scotland's statement of intent on a statutory footing.