

# Railway Policing (Scotland) Bill

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## 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 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

### **Power to require railway operators to enter into an RPA**

1

### **Police Scotland's and British Transport Police's functions in policing of railways and railway property**

3, 8, 9, 14

### **Training in relation to policing of railways and railway property**

4, 5, 6, 7

### **Limitation on redeployment of constables**

2

### **Commencement provisions**

10, 11, 12, 13

This is not the marshalled list

## Amendments in debating order

### **Power to require railway operators to enter into an RPA**

Humza Yousaf

- 1 In section 1, page 5, line 39, at end insert—
  - <( ) In section 125 of the Police and Fire Reform (Scotland) Act 2012 (subordinate legislation)—
    - (a) in subsection (2), for the words from “An” to “is” substitute “Orders or, as the case made be, regulations made under section 10(2), 11(5) or 85C(1) are”,
    - (b) in subsection (4), for “, and any regulations or” substitute “or regulations, and any”.>

### **Police Scotland’s and British Transport Police’s functions in policing of railways and railway property**

Liam McArthur

- 3 Leave out section 2

Liam McArthur

- 8 Leave out section 3

Liam McArthur

- 9 Leave out section 5

Liam McArthur

- 14 In the long title, leave out <the Police Service of Scotland to police> and insert <policing>

### **Training in relation to policing of railways and railway property**

Douglas Ross

- 4 After section 2, insert—
  - <2A Training in relation to policing of railways and railway property

This is not the marshalled list

After section 21 of the Police and Fire Reform (Scotland) Act 2012 (direction and control of the police service), insert—

“21A Policing of railways and railway property

- (1) The chief constable must ensure that all constables and police cadets receive the necessary training to police railways and railway property.
- (2) Training provided under subsection (1) must include the completion of personal track safety training.
- (3) The Scottish Ministers must by regulations specify the level of personal track safety training to be completed by constables and police cadets under subsection (2).
- (4) Prior to making regulations under subsection (3), the Scottish Ministers must consult—
  - (a) the Office of Rail and Road,
  - (b) Network Rail,
  - (c) the Scottish Police Authority,
  - (d) the chief constable of the Police Service of Scotland,
  - (e) such other bodies as the Scottish Ministers may determine.”.>

Douglas Ross

5 After section 2, insert—

<2B Funding of training under section 2A

After section 21 of the Police and Fire Reform (Scotland) Act 2012 (direction and control of the Police Service), insert—

“21B Funding of training under section 21A

- (1) As soon as practicable after the end of each yearly period ending on 31 March, the chief constable must prepare an annual report on the cost of training constables and police cadets under section 21A.
- (2) The chief constable must—
  - (a) give a copy of the annual report to the Scottish Ministers and the Authority, and

This is not the marshalled list

(b) publish the annual report in such a manner as the chief constable considers appropriate (having regard to the desirability of it being accessible to those whom the chief constable considers likely to have an interest in it).

(3) The Scottish Ministers must lay before the Scottish Parliament a copy of each annual report given to them under this section.”.>

Margaret Mitchell

6 In section 3, page 6, line 22, at end insert—

<(1A) A constable must not enter a railway property under subsection (1) unless that constable has completed personal track safety training.>

Margaret Mitchell

7 In section 3, page 6, line 33, at end insert—

<(4A) The Scottish Ministers must by regulations specify the level of personal track safety training to be completed by constables under subsection (1A).

(4B) Prior to making regulations under subsection (4A), the Scottish Ministers must consult—

- (a) the Office of Rail and Road,
- (b) Network Rail,
- (c) the Scottish Police Authority,
- (d) the Police Service of Scotland,
- (e) such other bodies as the Scottish Ministers may determine.”.>

## **Limitation on redeployment of constables**

John Finnie

2 After section 5, insert—

<Transitional provision

Limitation on redeployment of constables

This is not the marshalled list

- (1) Subsection (2) applies to a constable of the Police Service of Scotland who—
  - (a) immediately before the transfer date, is a constable of the British Transport Police Force (including any such constable who is, at that time, engaged in service outwith that force), and
  - (b) is transferred to the Police Service of Scotland on the transfer date by or under an enactment.
- (2) A constable to whom this subsection applies—
  - (a) is to be assigned duties that relate to the policing of a railway or railway property, and
  - (b) must not be assigned duties that do not so relate unless it is necessary to meet a special demand on resources for policing.
- (3) If a constable to whom subsection (2) applies is, on the transfer date, engaged in service outwith the Police Service of Scotland, the limitation in subsection (2) is suspended until such time as the service outwith the Police Service of Scotland ends.
- (4) Subsection (2) ceases to apply to a constable if, on or after the transfer date, the constable gives the chief constable written consent to the lifting of the limitation imposed by that subsection.
- (5) In this section—
  - “chief constable” means the chief constable of the Police Service of Scotland,
  - “policing” has the meaning given by section 99 of the Police and Fire Reform (Scotland) Act 2012,
  - “railway” and “railway property” have the meanings given by section 85M of that Act,
  - “transfer date” means the date on which the enactment which transfers the constable to the Police Service of Scotland provides for the transfer to occur.>

## Commencement provisions

Liam McArthur

- 10 In section 7, page 7, line 19, leave out <such day as the Scottish Ministers may by regulations appoint> and insert <1 April 2027>

This is not the marshalled list

Liam McArthur

11 In section 7, page 7, line 20, at end insert—

<(2A) Regulations under subsection (2) must not be made unless the condition in subsection (2B) is met.

(2B) The condition is that the Scottish Ministers have prepared, and laid before the Parliament, a report showing that—

(a) consultation has been undertaken with—

- (i) the British Transport Police Federation,
- (ii) the Scottish Police Federation,
- (iii) the British Transport Police Authority,
- (iv) the Scottish Police Authority,
- (v) the chief constable of British Transport Police,
- (vi) the chief constable of the Police Service of Scotland,
- (vii) such other bodies as the Scottish Ministers may determine, and

(b) each body or person mentioned in sub-paragraphs (a)(i) to (a)(vi) has confirmed that it is satisfied that the functions conferred by this Act can be carried out effectively.>

Douglas Ross

12 In section 7, page 7, line 20, at end insert—

<(2A) Regulations under subsection (2) must not be made unless the condition in subsection (2B) is met.

(2B) The condition is that the Scottish Ministers have prepared, and laid before the Parliament, a report showing—

(a) that all constables and police cadets have received the necessary training to police the railways and railway property, and

(b) how the costs of training constables and police cadets under paragraph (a) will be met.>

Liam McArthur

13 In section 7, page 7, leave out lines 21 to 23