



DEBATE PACK

Number CDP-2018-0058, 5 March 2018

Merger of British Transport Police Scottish division with Police Scotland

**Westminster Hall, Tuesday 6 March 2018,
9.30am**

A Westminster Hall debate on the Merger of British Transport Police Scottish division with Police Scotland is scheduled for Tuesday 6 March 2018 at 9.30am. The Member leading the debate is Douglas Ross MP.

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1. Background

Summary

Following the devolution of transport policing as part of the [Scotland Act 2016](#), the Scottish Government is pursuing proposals to incorporate British Transport Police's Scottish function into Police Scotland. The Scottish Parliament passed the [Railway Policing Scotland Act 2017](#) which removes British Transport Police (BTP) functions in Scotland, and deals with contractual arrangements between a railway operator and the Scottish Police Authority. It also gives Police Scotland constables powers of entry in relation to specified railway property.

The two Governments were working to a target date of April 2019 to complete the transfer of responsibilities. However, on 20 February 2018, the Scottish Government [announced](https://news.gov.scot/news/railway-policing-integration) that the Joint Programming Board overseeing the integration had agreed to a longer timetable to allow for "enhanced engagement with officers, staff and their representatives on key issues, including pay and conditions".

1.1 Introduction

The British Transport Police (BTP) is the police force for the railways, providing a policing service to Network Rail, rail and freight operators, their staff and their passengers throughout England, Wales and Scotland.

Unlike Home Office police forces, most of which are overseen by elected Police and Crime Commissioners, oversight for the BTP is provided by the British Transport Police Authority (BTPA) whose fifteen members who are appointed by the Secretary of State.

The functions and powers of the BTP and the BTPA are set out in [Part 3 of the Railways and Transport Safety Act 2003](#).

Following the referendum on Scottish independence in September 2014, the then Prime Minister David Cameron announced that Lord Smith of Kelvin would oversee the process taking forward devolution commitments of further powers for the Scottish Government and Parliament. Among the heads of agreement which received cross-party agreement was that railway policing should be a devolved matter.¹ The agreement was put on a statutory basis by the [Scotland Act 2016](#).

Section 46 of the 2016 Act designated the BTPA and chief constable, deputy chief constables and assistant chief constables of the BTP 'cross-border public authorities'. As a result, future appointments to these posts can only be made in consultation with Scottish Ministers. Other

functions in relation to BTP and BTPA will similarly only be able to be exercised in consultation with the Scottish Ministers, unless their effect on Scotland would be wholly in relation to reserved matters.

Section 45 of the 2016 Act also amended Part 2 of Schedule 5 to the [Scotland Act 1998](#) to give the Scottish Parliament competence to legislate for policing of Scotland's railways.

In June 2016, the Scottish Government published a consultation paper asking for views on how BTP in Scotland should be integrated into Police Scotland, including governance and accountability arrangements.² In its *Programme for Scotland 2016-17*, the Scottish Government indicated its intention to introduce a Bill to allow for the integration of BTP's Scottish functions into Police Scotland.³ Under the Scottish Government's proposals, BTP's functions in Scotland would be fully integrated into Police Scotland, although a specialist railway policing unit would be maintained. Oversight would be provided by the Scottish Police Authority (SPA) rather than the BTPA. The industry would continue to fund railway policing in Scotland with Railway Policing Agreements between the industry and Police Scotland replacing PSAs and setting out the terms of the service.⁴

The Scottish Government believes that integrating the BTP's functions in Scotland with Police Scotland would deliver significant operational benefits, including integrating railway policing with airports and roads policing, and joint-up processes to identify links between crime in the railways and in wider communities. However, a majority of the respondents to the Scottish Government's consultation and the Scottish Parliament's Justice Committee's call for evidence opposed the full integration of BTP's Scottish functions into Police Scotland.⁵ Further detail on the policy background is in [section 2.5](#) of Library Briefing Paper 3119, *British Transport Police*.

The [Railway Policing Scotland Act 2017](#) was passed by the Scottish Parliament on 27 June 2017 and received Royal Assent on 1 August 2017. The Act is "first step" in devolving powers to Police Scotland; the subordinate legislation needed to deal with issues such as the transfer of staff, assets and liabilities would be considered by both the Scottish and UK Parliaments. The Act removes the functions of the BTPA and the BTP which are set out in Part 3 of the *Railways and Transport Safety Act 2003* in or as regards Scotland. It also covers:

- The contractual arrangements between a railway operator and the SPA (railway policing agreements – or RPAs)

² Scottish Government, [The Integration of the British Transport Police in Scotland into Police Scotland: A Consultation](#), June 2016, para 6

³ Scottish Government, [A Plan for Scotland: The Scottish Government's Programme for Scotland 2016-17](#), 6 September 2016, p12

⁴ Scottish Government, [Policy Memorandum to the Railway Policing \(Scotland\) Bill](#), 8 December 2016, para 21

⁵ Justice Committee, [Stage 1 Report on the Railways Policing \(Scotland\) Bill](#), SP Paper 132, 28 April 2017, Executive Summary

- What happens when a dispute arises about RPAs
- How the SPA must engage with railway operators and railway users
- The new responsibilities of Police Scotland's chief constable to assist the SPA with negotiating RPAs with operators
- New powers of entry for Police Scotland constables in relation to specified railway property, similar to the powers of entry currently available to BTP constables

The two Governments were working to a target date of April 2019 to complete the transfer of responsibilities.⁶ However, on 20 February 2018, the Scottish Government [announced](#) that the Joint Programming Board overseeing the integration had agreed to a longer timetable which would "allow for enhanced engagement with officers, staff and their representatives on key issues, including pay and conditions".

⁶ [Letter from the Lord Dunlop, Parliamentary Under Secretary of State, Scotland Office to the Lord Faulkner of Worcester](#), 31 January 2017

2. News and blogs

Scottish Centre for Crime and Justice Research

[83% of British Transport Police unsupportive of merger with Police Scotland](#)

21 February 2018

Scottish Government

[Railway policing integration](#)

20 February 2018

British Transport Police

[Revised timetable for railway policing integration in Scotland](#)

20 February 2018

TSSA

[Rail security concerns after SNP and Tory establishment left in complete disarray by BTP merger fiasco](#)

26 January 2018

TSSA

[British Transport Police \(BTP\) merger of Police Scotland hits delays](#)

23 January 2018

2.1 Press

Scotsman

[Controversial rail policing merger is thrown into doubt](#)

21 February 2018

Herald (Scotland)

[British Transport Police merger with Police Scotland 'delayed indefinitely'](#)

21 February 2018

Daily Record

[Police Scotland and British Transport Police merger halted as opposition parties call to axe scheme](#)

20 February 2018

BBC News

[BTP and Police Scotland merger to be delayed](#)

20 February 2018

Herald (Scotland)

[Agenda: time for a rethink on rail police merger](#)

Kath Murray 25 January 2018

Times [Registration required]

[Warning over 'impossible' merger of Police Scotland and British Transport Police](#)

24 January 2018

BBC News

[Warning over transport police merger date](#)

23 January 2018

Herald (Scotland)

[Merging British Transport Police with Police Scotland jeopardises fight against terrorism, House of Lords told](#)

11 January 2018

Scotsman

[Concern over number of rail police set to quit new force](#)

3 January 2018

BBC News

[MSPs pass Scottish railway policing merger bill](#)

27 June 2017

Holyrood

[Scottish Parliament Justice Committee back integration of transport police into Police Scotland](#)

28 April 2017

3. Parliamentary Business

3.1 Debate

[Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2017](#)

HL Deb 10 January 2018 c254-78

3.2 Parliamentary Questions

[British Transport Police: Scotland](#)

Asked by: Ian Murray

To ask the Secretary of State for Scotland, what assessment he has made of the effect on cross border policing of the proposed merger of British Transport Police (Scotland) with Police Scotland.

Answered by: David Mundell | Scotland Office

The UK Government is working closely with the Scottish Government as well as the two police forces and police authorities through a Joint Programme Board. A central, ongoing focus of that Board is to deliver a seamless and orderly transfer of responsibilities and to ensure that the overall level of policing, including policing across the border, remains fully effective so that we continue to have a railway policing service which protects the safety of passengers.

20 February 2018 | Written question | 127735

[British Transport Police: Scotland](#)

Asked by: Ian Murray

To ask the Secretary of State for Scotland, what assessment he has made of the effect of the merger of the Scottish component of the British Transport Police into Police Scotland on cross border policing; and what estimate he has made of the cost of cross border activities as a result of that merger.

Answered by: David Mundell | Scotland Office

The UK Government is working closely with the Scottish Government as well as the two police forces and police authorities through a Joint Programme Board, to ensure that effective arrangements are in place for cross-border railway policing once responsibilities have been transferred, so that we continue to have a railway policing service which protects the safety of passengers.

The direct costs of the transfer are being borne by the British Transport Police Authority which is wholly funded by the railway operators.

The current estimated cost of the transfer to the Authority, which includes the costs of the British Transport Police, is £1.17m. Post-merger it is expected that the aggregate costs for railway operators of charges for policing from the British Transport Police and Police Scotland will be similar to current costs. Future policing charges in Scotland will be a matter for the Scottish Police Authority.

20 February 2018 | Written question | 127731

[British Transport Police: Scotland](#)

Asked by: Ian Murray

To ask the Secretary of State for Scotland, what assessment he has made of the future viability of the Scottish component of the British Transport Police pension fund when it is transferred to the Scottish Government.

Answered by: David Mundell | Scotland Office

The UK Government is committed to working with the Scottish Government, the British Transport Police Authority and the Scottish Police Authority, to ensure that the pensions of officers and staff transferring to Police Scotland are maintained. Scottish Government Ministers have provided assurances to the Scottish Parliament that British Transport Police officers and staff in Scotland will transfer to Police Scotland with their current terms and conditions of service, including pensions.

20 February 2018 | Written question | 127726

[British Transport Police: Scotland](#)

Asked by: Ian Mearns

To ask the Secretary of State for Transport, if he will provide estimates of the final cost to the (a) taxpayer and (b) British Transport Police Authority of the proposed transfer of (i) staff, (ii) administrative functions' (iii) property and (iv) other assets to Police Scotland.

Answered by: Joseph Johnson | Department for Transport

There are no direct costs to the taxpayer beyond those referred to in response to UIN 121540. The costs are being borne by the British Transport Police Authority which is wholly funded by the railway operators. The current estimated cost of the transfer to the Authority, which includes the costs of the BTP, is £1.17m.

17 January 2018 | Written question | 121542

[British Transport Police](#)

Asked by: Ian Mearns

To ask the Secretary of State for Transport, what the current cost to the taxpayer is from his Department's (a) administrative, (b) chairing and (c) other responsibilities for the British Transport Police Integration Joint Programme Board.

Answered by: Joseph Johnson | Department for Transport

Work to deliver the devolution of the functions of the British Transport Police in Scotland is being carried out alongside other Departmental activities associated with the Sponsorship of the British Transport Police Authority. The estimated cost, based on the salaries of officials engaged in this work in the current Financial Year is approximately £150,000. It is not possible to further disaggregate the costs of this work.

17 January 2018 | Written question | 121540

[British Transport Police: Scotland](#)

Asked by: Ian Mearns

To ask the Secretary of State for Transport, when he plans to bring forward the legislative proposals to facilitate the transfer of British Transport Police (a) staff, (b) administrative functions and (c) property and other assets to Police Scotland.

Answered by: Joseph Johnson | Department for Transport

Building on the provisions of the Scotland Act 2016, we intend to lay Orders before Parliament in the Autumn, which will provide for the transfer of relevant BTP officers and staff, and the transfer of relevant assets.

17 January 2018 | Written question | 121538

4. Organisations and further reading

[British Transport Police \(BTP\)](#), Commons Library Briefing Paper SN03119, 12 June 2017

[Railway Policing \(Scotland\) Bill](#), Scottish Parliament Information Centre Briefing SB 17-13, 1 March 2017

Scottish Government, [British Transport Police](#)

British Transport Police, [Scotland teams](#)

[Police Scotland](#)

[British Transport Police Authority](#) on gov.uk

[British Transport Police Authority](#) website

HM Inspectorate of Constabulary and Fire and Rescue Services; HM Inspectorate of Constabulary in Scotland, [PEEL: police efficiency, legitimacy and leadership: an inspection of British Transport Police 6-17 February 2017](#), November 2017

HM Inspectorate of Constabulary in Scotland, [Strategic overview of British Transport Police in Scotland including the proposed transfer to Police Scotland](#), August 2017

Kath Murray and Colin Atkinson, [The British Transport Police Leaving Home project: the impact of the transfer of British Transport Police \(BTP\) D Division into Police Scotland on officers and staff](#), SCCJR Briefing 2/2018, Scottish Centre for Crime and Justice Research, February 2018

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