British Transport Police (BTP)

Contents:
1. Policing
2. The British Transport Police Authority
3. A ‘National Infrastructure Police’ force?
4. Plans for reform to railway policing in Scotland
5. Personnel statistics
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary</strong></td>
<td>3</td>
</tr>
<tr>
<td>1. Policing</td>
<td>5</td>
</tr>
<tr>
<td>1.1 Powers of BTP officers</td>
<td>5</td>
</tr>
<tr>
<td>1.2 Powers outside the railways</td>
<td>5</td>
</tr>
<tr>
<td>1.3 Geographic structure</td>
<td>6</td>
</tr>
<tr>
<td>1.4 Policing teams</td>
<td>6</td>
</tr>
<tr>
<td>1.5 Crime Review</td>
<td>7</td>
</tr>
<tr>
<td>1.6 Inspection of police effectiveness of the British Transport Police</td>
<td>7</td>
</tr>
<tr>
<td>2. The British Transport Police Authority</td>
<td>8</td>
</tr>
<tr>
<td>2.1 BTPA responsibilities</td>
<td>8</td>
</tr>
<tr>
<td>2.2 Evaluation of the BTPA effectiveness</td>
<td>9</td>
</tr>
<tr>
<td>2.3 Funding the BTP</td>
<td>9</td>
</tr>
<tr>
<td>3. A ‘National Infrastructure Police force’?</td>
<td>12</td>
</tr>
<tr>
<td>3.1 Response from the BTP and the BTPA</td>
<td>12</td>
</tr>
<tr>
<td>3.2 Government review of infrastructure policing</td>
<td>13</td>
</tr>
<tr>
<td>3.3 Have plans to create an ‘National Infrastructure Police’ force stalled?</td>
<td>14</td>
</tr>
<tr>
<td>4. Plans for reform to railway policing in Scotland</td>
<td>15</td>
</tr>
<tr>
<td>4.1 Devolution of railway policing to the Scottish Government</td>
<td>15</td>
</tr>
<tr>
<td>4.2 The Railway Policing (Scotland Act) 2017</td>
<td>15</td>
</tr>
<tr>
<td>4.3 Developments since the passing of the Railway Policing (Scotland Act) 2017</td>
<td>16</td>
</tr>
<tr>
<td>4.4 Arguments for and against the merger</td>
<td>17</td>
</tr>
<tr>
<td>4.5 Inspectorate of Constabulary in Scotland strategic overview of the merger</td>
<td>18</td>
</tr>
<tr>
<td>4.6 Estimated costs of the merger</td>
<td>18</td>
</tr>
<tr>
<td>5. Personnel statistics</td>
<td>20</td>
</tr>
<tr>
<td>5.1 Long term trend in staffing numbers</td>
<td>20</td>
</tr>
<tr>
<td>5.2 Special Police Officers</td>
<td>20</td>
</tr>
</tbody>
</table>
Summary

The British Transport Police (BTP) is the police force for the railways. It provides a policing service to Network Rail, rail and freight operators, their staff and their passengers throughout England, Wales and Scotland. It is also responsible for policing the London Underground System, the Docklands Light Railway, the Midland Metro tram system, Croydon Tramlink, Sunderland Metro, Glasgow Subway and Emirates AirLine.

The BTP is unlike other police forces in the UK in that:

- it operates nationally across the entire railway network in Great Britain,
- it is primarily funded by the railway industry and not from the public purse and;
- unlike territorial police forces, which are the responsibility of the Home Office, the Department for Transport is responsible for the BTP.

The BTP has been found to be a high performing force. It was rated ‘good’ by the inspectorate of constabulary in 2018. The inspection report noted that the BTP “compares favourably with the best performing Home Office forces at keeping people safe and reducing crime”.¹

The British Transport Police Authority (BTPA)

The British Transport Police Authority is a non-departmental public body sponsored by the Department for Transport. It is responsible for overseeing the BTP. The BTPA sets the BTP’s long-term policing strategy and annual policing plans. The BTPA raises funding from the railway industry for the cost of running the BTP and allocates those funds to it. In 2018/19 the BTPA allocated funding of £313m to BTP.

Staff numbers

In 2017/18 the BTP was staffed by around 3,080 police officers, 1,530 police staff and 270 Police Community Support Officers.²

A ‘National Infrastructure Police force’?

The 2015 Strategic Defence and Security Review contained proposals to explore combining BTP with other infrastructure police forces. This policy was also mentioned in the Conservative Party manifesto for the 2017 General Election. The Government has been reviewing infrastructure policing, but it has yet to announce formal plans for the creation of a ‘National Infrastructure Police Force’.

BTP in Scotland

Railway policing is a devolved matter in Scotland. It is the policy of the Scottish National Party to integrate railway policing with regular policing in Scotland. The Scottish Parliament passed the Railway Policing (Scotland) Act 2017 in August 2017. This Act provided a statutory basis by which the BTPA could be abolished in Scotland and its functions transferred to the Scottish Police Authority. The 2017 Act is seen as the ‘first step’ in the process of integrating railway policing with regular policing in Scotland. Secondary legislation is needed to commence its provisions.

Since the passing of the Act, plans to integrate the BTP in Scotland with Police Scotland have stalled. The policy has proven controversial with stakeholders in the railway industry.

¹ HMICFRS, PEEL: Police effectiveness 2017: An inspection of British Transport Police 4-15 December 2017, July 2018
² British Transport Police, Statistical Bulletin 2017/18, section three
The Scottish Police force have also expressed concerns about the timetable for the merger. The Scottish Government is now conducting an exercise to find interim arrangements by which it could fully devolve railway policing in Scotland, but says it remains committed to integrating the BTP in Scotland with Police Scotland.
1. Policing

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. It is also responsible for policing the London Underground System, the Docklands Light Railway, the Midland Metro tram system, Croydon Tramlink, Sunderland Metro, Glasgow Subway and Emirates AirLine.

The BTP is unlike other police forces in the UK in that:

- it operates nationally across the entire railway network in Great Britain,
- it is primarily funded by the railway industry and not from the public purse and;
- unlike regional police forces, which are the responsibility of the Home Office, the Department of Transport is responsible for the BTP.

1.1 Powers of BTP officers

Section 31 of the *Railways and Transport Safety Act 2003* (as amended) provides BTP officers with the same powers as a police officer within all railway property and outside railway property when related to railway matters.\(^3\)

This gives the BTP a statutory right to enter tracks, networks, stations, light maintenance depots and railway vehicles. However, officers are unable to enter other private property unless invited, holding a warrant, or exercising some other right of entry.\(^4\)

**Powers outside the railways**

Section 100 of the *Anti-terrorism, Crime and Security Act 2001* (as amended) gives BTP officers the powers and privileges of a constable outside of the railways in certain circumstances; for instance, if a constable from another police force requests assistance or where waiting for a constable from another force to act would frustrate or seriously prejudice the purpose of the intended action.\(^5\)

Sections 75 and 76 of the *Police Reform Act 2002* (as amended) also provides BTP officers with certain powers. This provides BTP officers with the power to remove truants within the railway jurisdiction and hand out fixed penalties for motoring offences.\(^6\)

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3 S31, *Railways and Transport Safety Act 2003* (as amended)
4 Explanatory Notes to the *Railways and Transport Safety Act 2003*
5 Explanatory Notes to the *Anti-terrorism, Crime and Security Act 2001*, 14 December 2004, section 100
6 Explanatory Notes to the *Police Reform Act 2002*, para 7. For more information on the 2002 Act, see HC Library briefing paper RP 02/15, pp67-77
1.2 Geographic structure

The BTP is divided into three operational policing areas, each lead by a senior police officer:

- **B Division**: East, South of England and Transport for London
- **C Division**: Pennine, Midlands, South West and Wales
- **D Division**: Scotland

In addition to the territorial divisions, the BTP maintains a central office in London which is known as ‘A Division’.

### 2014 territorial restructure

In April 2014, the BTP completed a restructure of its territorial divisions. Seven policing divisions were reduced to three policing areas that exist today. The restructure contributed to £9 million in savings, which were reinvested in frontline services.

1.3 Policing teams

In the 2017/18 financial year, the BTP conducted an exercise to reorganise its policing teams. As a result, crimes reported in any division are now allocated to one of four types of team:

- **The Major, Serious and Organised Crime (MSOC) unit** investigates serious offences such as murder, rape, serious sexual assault and organised crime;
- **The Criminal Investigation Department** investigates crimes that cause serious harm but are outside the remit of MSOC such as robbery, and including dedicated officers investigating sexual offences;
- **Volume Crime teams** investigate crimes that cause less harm but which happen more often than others, such as theft of passenger property and cycle crime; and
- **Frontline Response and Neighbourhood Policing Teams** investigate crimes which cause less harm to victims and take less time to investigate, such as being drunk and disorderly and shoplifting.

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7 BTP, *Our structure* and BTP, *Divisional Commanders* [last accessed 14 May 2019]
8 Ibid
9 Ibid
10 BTP, *Making a difference: Annual report 2013/14*, p17
Crime Review
The new policing team structure came after an extensive period of review and consultation. An independent external ‘Crime Review’, and an internal review in response, took place in 2014. Proposals were drawn up as a result of this process, but they proved controversial.¹³ In April 2016, the BTP decided to halt implementation of the Crime Review to allow for public consultation.¹⁴ The consultation was opened in October 2016 and the BTP published its response in March 2017.¹⁵

1.4 Inspection of police effectiveness of the British Transport Police
In July 2018, Her Majesty’s Inspectorate of Constabulary & Fire & Rescue Services (HMICFRS) published a report following its inspection of the BTP in December 2017. HMICFRS conducts annual inspections of all police forces in England and Wales. In 2018, the BTP was given a score of ‘good’ for overall effectiveness. It scored ‘good’ in each of the relevant question areas:

- Preventing crime and tackling anti-social behaviour;
- Investigating crime and reducing reoffending;
- Protecting vulnerable people;
- Tackling serious and organised crime.

The inspection report notes that the BTP “compares favourably with the best performing Home Office forces at keeping people safe and reducing crime”.¹⁶

¹³ BTP, Shape our future – a consultation on how British Transport Police should organise its criminal investigations business area, 2016, p7
¹⁴ BTP, Shape our future – a consultation on how British Transport Police should organise its criminal investigations business area, October 2016
¹⁵ BTP, Public consultation response report: Shape our future – a consultation on how British Transport Police should organise its criminal investigations business area, March 2017, p21
¹⁶ HMICFRS, PEEL: Police effectiveness 2017: An inspection of British Transport Police 4-15 December 2017, July 2018
2. The British Transport Police Authority

The British Transport Police Authority (BTPA) is an independent public body sponsored by the Department for Transport. It oversees the BTP and is responsible for raising and allocating its funding, setting its policing strategy and monitoring the BTP’s progress against that strategy.

The BTPA was established by Part 3 of the Railways and Transport Safety Act 2003 (as amended). The legislation modelled the BTPA on the Police Authorities which, at the time, oversaw regional police forces. Police Authorities have since been abolished in England and Wales and replaced with Police and Crime Commissioners by the Police Reform and Social Responsibility Act 2011.

The BTPA consists of fifteen authority members (including a Chair and Deputy Chair with specific duties) who make decisions collectively. The Secretary of State for Transport appoints members of the BTPA based on an individual’s experience and knowledge. Whilst the BTPA is comprised of people with specific expertise and interests in aspects of railway policing it is not strictly representative of them.

Some members of the BTPA have specific knowledge and interest of matters in England, Scotland and Wales. The Secretary of State for Transport consults their counterparts in Scotland and Wales when appointing these members.

2.1 BTPA responsibilities

BTPA’s responsibilities, as set out in the 2003 Act, are similar to those of Police and Crime Commissioners for territorial police forces. They include:

- **Setting BTP’s strategy**: the BTPA sets BTP’s medium to long term strategy through a Strategic Plan (the latest Strategic Plan covers the period 2018-21). The annual Policing Plan contains BTPA’s priorities for the year, the financial resources it expects to be available to deliver the plan and how it proposes to allocate those resources. The Annual Reports are published after the end of each financial year and cover the policing of the railways in that year;

- **BTP’s funding and budget**: The BTP enters into agreements with the railway industry which set out what services it will provide and how much individual operators will pay the BTP to provide them (see section 2.2 below). It determines the budget of the police force and allocates resources to individual departments;

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17 For more information on the 2003 Act, see HC Library briefing paper RP03/06, pp32-39
18 For more information on Police and Crime Commissioners, see HC Library briefing paper SN6104
19 Department for Transport, Policy paper: British Transport Police Authority and Department for Transport relationship framework, March 2018, para 8.1
20 Ibid
• **Appointments:** BTPA is responsible for the recruitment of BTP’s chief constable and other senior officers;

• **Public consultation:** the BTPA is required to periodically consult representatives from the rail community (including passengers, workers and industry) for their views on the policing of the railways; and

• **Regulation of the BTP:** the BTPA may make regulations relating to the governance, administration and conditions of those employed by BTP to reflect changes in regulations applying to other police forces.\(^{21}\) Such regulations must also be approved by the chief constable, staff associations and Secretary of State.\(^{22}\)

### 2.2 Evaluation of the BTPA effectiveness

The Coalition Government conducted a triennial review of the BTPA in 2013/14. This was part of its policy to review the functions and efficiencies of every non-departmental public body every three years. The review found that the BTPA showed overall compliance with good practice on corporate governance and concluded that the BTPA should continue to exist in its current form.\(^{23}\) However the review did raise some concerns with the way in which the BTPA managed its relationship with the railway industry, though it recognised that the BTPA had made improvements in this area.\(^{24}\)

In its 2014 report on Security on the Railway, the House of Commons Transport Select Committee expressed concern that the BTPA was too close to the BTP. It concluded that the BTPA should be mindful of its obligations to oversee the work of BTP and drive performance to avoid any perception that it is too close to the people to whom it is supposed to regulate.\(^{25}\)

### 2.3 Funding the BTP

The BTP is primarily funded by the companies that provide passenger, freight and infrastructure services on railways across England, Scotland and Wales (i.e. the train operating companies, freight companies, Network Rail and London Underground). This is different to regional police forces which are funded by taxpayers. The BTPA is responsible for negotiating funding agreements with railway companies and allocating the funds to the BTP.

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\(^{21}\) Made under sections 50-52 of the *Police Act 1996*, as amended

\(^{22}\) BTPA, *Duties and responsibilities* [accessed 14 May 2019]

\(^{23}\) Department of Transport, *British Transport Police Authority Triennial Review 2013/14*, October 2014, Executive Summary

\(^{24}\) Department of Transport, *British Transport Police Authority Triennial Review 2013/14*, October 2014, Executive Summary

How does the BTPA raise funds?

Police Service Agreements

Section 33 of the *Railways and Transport Safety Act 2003* allows the BTPA to enter into Police Service Agreements (PSAs) with railway companies. PSAs set out how much money is to be paid and the policing resource which BTP will provide in return.

Section 33(4) of the 2003 Act requires the BTPA to proportionately charge its funders. The BTPA uses a 'cost allocation model' to calculate the financial contribution owed by individual train companies. This model uses several data points (for example: track mileage, crime levels, passenger numbers and number of stations) to ensure that the contribution of the individual operator is proportionate.

London Underground Agreement

Policing for the London Underground network is funded by an independent funding agreement and not under a PSA. The BTPA negotiates policing requirements for the London Underground and charges Transport for London (TfL) at full cost.

Other forms of funding

Train companies and infrastructure organisations may also request additional services outside of their PSA by entering into an enhanced PSA (EPSA) with the BTPA.

The BTP sometimes receives specific Home Office grants to cover policing of the railways during exceptional events, such as the 2012 London Olympics and 2011 riots.

2009 legal challenge to funding system change

Following the passing of the 2003 Act, the BTPA attempted to introduce a new charging model to reflect the requirements in section 33(4), effective from April 2007. However, two PSA holders brought a judicial review on the basis that section 33(4) does not entitle the BTPA to override the terms of the old PSAs without adequate notice. The claim was upheld in a judgment handed down in March 2009. As a result, those with PSAs based on the fixed proportion model were charged on that basis until 31 March 2013. After 31 March 2013, all PSA holders were moved onto the new charging model.

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26 s33(4) the *Railways and Transport Safety Act 2003*
27 PQ 212323: British Transport Police: Lancashire, answered on 29 January 2019
29 Ibid
30 Her Majesty's Inspectorate of Constabulary, *British Transport Police's response to the funding challenge*, 21 July 2014
31 2009 EWHC 460 (Admin)
32 BTPA, *The introduction of the new changing model: a review*, 6 April 2010
2018/19 funding agreement

The BTPA has allocated a budget of £313m for 2018/19 to the BTP.\textsuperscript{33}

The authority committed to using £9m worth of reserves to offset a deficit between its income and spending during the financial year. The BTPA has cited their decision to limit increases in charges to its funders to RPI inflation as the cause of the deficit.\textsuperscript{34}

The BTPA has a statutory duty to balance its income “as nearly as possible” with its expenditure in each financial year.\textsuperscript{35}

Efficiency programme

The BTPA is committed to an efficiency programme aiming to deliver £30million worth of savings by 2021.\textsuperscript{36}

The efficiency programme is part of the BTPA’s ongoing work to implement the recommendations of a \textit{2011 review} of value for money in the rail industry.\textsuperscript{37}

The BTPA has committed to:

- Consolidate its estate and reduce its energy bills;
- Reduce costs of frontline policing by managing resources better and reducing overtime spend;
- Reduce its dependence on temporary labour;
- Rationalise its custody sites;
- Implement digital change to achieve efficiencies;
- Implement efficiencies in back office functions.\textsuperscript{38}

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\hline
\textbf{Income} & £m \\
\hline
PSA & £236 \\
EPSA & £21 \\
TfL core income & £47 \\
Drawdown from reserves & £9 \\
\hline
\textbf{Total} & £313 \\
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\begin{table}[h]
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\hline
\textbf{Expenditure} & £m \\
\hline
Head Office & £137 \\
London & £56 \\
Southern England & £45 \\
Rest of England and Wales & £60 \\
Scotland & £13 \\
BTPA & £3 \\
\hline
\textbf{Total} & £313 \\
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\textsuperscript{33} BTPA, Policing Great Britain’s Rail Network, National and Divisional Plans 2018/19, p12
\textsuperscript{34} BTPA, \textit{British Transport Police Fund Annual Report and Accounts}, March 2018, p25
\textsuperscript{35} BTPA, s33(4a) \textit{Railways and Transport Safety Act 2003}
\textsuperscript{36} BTPA, Strategic Plan 2018-2021, p22
\textsuperscript{37} Office for Rail and Road, \textit{Realising the potential of GB rail: Final independent report of the rail value for money study}, May 2011
\textsuperscript{38} BTPA, \textit{British Transport Police Fund Annual Report and Accounts}, March 2018, p27
3. A ‘National Infrastructure Police force’?

The Government has committed to merge the BTP with other specialist forces and units to create an infrastructure police force.

Under the proposal the BTP could be merged with (all or a combination of) the Civil Nuclear Constabulary, the Ministry of Defence Police, highways policing and police operations at airports.  

A proposal for a ‘National Infrastructure Police force’ first appeared in the 2015 National Security and Strategic Defence and Security Review (SDSR), published under the Conservative Government (2015-17). In the SDSR the Government said:

> Responsibilities for infrastructure policing are shared across a number of organisations with different levels of capability and capacity, and different arrangements for funding, oversight, regulation and legislation. We intend to integrate infrastructure policing further and we will review options to do this.

The Conservative Party’s manifesto for the 2017 General Election included a commitment to:

> …create a national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police to improve the protection of critical infrastructure such as nuclear sites, railways and the strategic road network.

3.1 Response from the BTP and the BTPA

Representatives from the BTP and the BTPA have greeted the proposal cautiously.

Deputy Chief Constable of the BTP, Adrian Hanstock, has said that

> … there are a number of concerns across industry and the key stakeholders we work with, including some of the public….it is important for us to understand what the initial purpose and proposal was, which I think arose on the back of an intention to have a more flexible armed policing capability following the Paris terrorist attacks. That is quite interesting… While BTP has some firearms capability, that is purely in London at the moment, so our interest is in what a future national infrastructure force would need in terms of wider flex and capability to tackle that kind of threat.

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40 HMG, National Security and Strategic Defence and Security Review, 23 November 2015, para 4.139
42 Transport Committee, Oral evidence: Rail Safety, HC 694, 16 June 2018, Q272
Charlotte Vitty, then Chairman of the BTPA, said that:

[The BTPA] have been involved in research and investigation into infrastructure policing, and we are yet to hear the outcome of that. It is clear that the British Transport police offers a unique service in the rail industry. We have been focusing on that, making sure we communicate it in the project on infrastructure policing, so that it is taken into account.43

3.2 Government review of infrastructure policing

In the first annual report on the SDSR, published in December 2016, the government said it was “reviewing infrastructure policing” as part of its committed to integrate infrastructure policing.44

In written evidence submitted by the BTPA to the House of Commons Transport Committee in October 2016, the BTPA said that phase one of the review had resulted in two options for infrastructure policing emerging:

- A **National Infrastructure Constabulary** which would combine the functions of Civil Nuclear Constabulary, the Ministry of Defence Police, the British Transport Police, the Highways England Traffic Officer Service, the Home Office police forces’ strategic road network and airports policing capabilities; and

- A **Transport Infrastructure Constabulary** and an **Armed Infrastructure Constabulary**. The Transport Infrastructure Constabulary would bring together the functions carried out by the BTP, the Highways England Traffic Officer Service and the roads and airport policing elements of Home Office forces. The Armed Infrastructure Constabulary would involve the incorporation of functions currently carried out by the MDP and the CNC.45

In February 2018, writing on behalf of the Government, Lord Duncan of Springbank (Parliamentary Under Secretary of State for Scotland) gave some details of the review:

An Infrastructure Policing Board, to drive collaboration and increased integration, and consider further the proposals for a merger to create an infrastructure force, is being established. The case for the British Transport Police to be included in any future merger is to be reviewed by this Board.

In the second annual report of the SDSR, published in March 2018, the government said:

We have completed the review of infrastructure policing set out in the SDSR, and are now considering ways to optimise the

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43 Ibid, Q263
45 Written evidence submitted by the British Transport Police Authority (RLS0014)
Have plans to create an ‘National Infrastructure Police‘ force stalled?

In June 2018, Metropolitan Police Commissioner Cressida Dick was reported as saying:

“…as I understand it, that the notion of infrastructure policing, BTP merging with other forces, is not on the table at the moment, I think that is sensible for a whole variety of reasons.”

The Government have not made a statement which would confirm that it is no longer pursing a proposal to create an infrastructure police force.

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47 Police Oracle, *Commissioner: I’m pleased infrastructure police not moving forward*, June 2018
4. Plans for reform to railway policing in Scotland

**Summary**

Railway policing is a devolved matter in Scotland. It is the policy of the Scottish National Party to integrate railway policing with regular policing in Scotland. The Scottish Parliament passed the [Railway Policing (Scotland) Act 2017](#) in August 2017. This Act provides a statutory basis by which the BTPA could be abolished in Scotland and its functions transferred to the Scottish Police Authority. The 2017 Act is seen as the ‘first step’ in the process of integrating railway policing with regular policing in Scotland. Secondary legislation is needed to commence its provisions.

Since the passing of the Act, plans to integrate the BTP in Scotland with Police Scotland have stalled. The policy has proven controversial with stakeholders in the railway industry. The Scottish Police force have also expressed concerns about the timetable for the merger. The Scottish Government is now conducting an exercise to find interim arrangements by which it could fully devolve railway policing in Scotland, but says it remains committed to integrating the BTP in Scotland with Police Scotland.

4.1 Devolution of railway policing to the Scottish Government

Following the 2014 Scottish independence referendum, Lord Smith of Kelvin was tasked with overseeing the process taking forward further devolution to Scotland. Among Smith’s recommendations, which received cross-party agreement, was that railway policing should be a devolved matter. The agreement was put on a statutory basis by the [Scotland Act 2016](#).

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 the policing of Scotland’s railways.

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 Scottish Ministers, unless their effect on Scotland would be wholly in relation to reserved matters.

4.2 The Railway Policing (Scotland Act) 2017

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. In its [Programme for Scotland 2016-17](#), the Scottish

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Government indicated its intention to introduce a Bill to allow for the integration of BTP’s Scottish functions into Police Scotland.50

The Railway Policing (Scotland) Act 2017 received Royal Assent on the 1 August 2017.51 The Act is the “first step” in devolving powers to Police Scotland. Subordinate legislation is needed to deal with issues such as the transfer of staff, assets and liabilities would be considered by both the Scottish and UK Parliaments.52

Under the 2017 Act, the BTP’s functions in Scotland would be transferred to 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 Act provides for the railway industry 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.53

Section 8(2) of the Act allows Scottish Ministers to bring forward secondary legislation to provide for the commencement of its main provisions. The Scottish and UK Governments were working to a target date of April 2019 to complete the transfer of responsibilities for railway policing in Scotland to Police Scotland.54

Developments since the passing of the Railway Policing (Scotland) Act 2017
The Scottish Government announced on 27 August 2018 that the Justice Secretary is to explore “further options to deliver the devolution of railway policing to Scotland”. It stated that:

The decision comes following recent advice from Police Scotland around the practicalities of a number of issues and timing of implementation, particularly relating to ICT, which have emerged as part of the re-planning exercise commissioned by Scottish Ministers.55

The Scottish Government retains its commitment to “the full integration of railway policing into Police Scotland” but needs to “identify interim arrangements that could give effect more quickly to the devolution of railway policing, as recommended by the Smith Commission”.56

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50 Scottish Government, A Plan for Scotland: The Scottish Government’s Programme for Scotland 2016-17, 6 September 2016, p12
51 Scottish Parliament, Railway Policing (Scotland) Bill, [last accessed 14 May 2019]. For further information on the Bill, see the briefing paper by the Scottish Parliament Information Centre: Railway Policing (Scotland) Bill, SPICe briefing 17/13, 1 March 2017
52 The Scottish Government, Explanatory notes, Railway Policing (Scotland) Act 2017 (asp 4), para 5
53 Ibid, para 4
54 Letter from the Lord Dunlop, Parliamentary Under Secretary of State, Scotland Office to the Lord Faulkner of Worcester, 31 January 2017
55 Scottish Government news, Railway policing, 27 August 2018
This followed a decision in February 2018 to extend the timetable for the integration of BTP in Scotland into Police Scotland to allow for a detailed re-planning exercise to take place "over the coming months". 57

Throughout late 2018, the Justice Committee of the Scottish Parliament took evidence on the progress of the integration. 58 In a letter to the Convenor of the Committee dated 13 December 2018 the Justice Secretary Humza Yousaf provided an update on progress. It stated that:

Whilst integration remains this Government’s long-term goal, there is a general acceptance that an interim model should be sufficiently ambitious to deliver in practice, in accordance with the identified design principles. To provide the necessary stability to BTP officers and staff, this process will also require consideration of appropriate timescales to settle in an interim model before any external scrutiny and review. SPA and BTPA will continue to work together to provide further detail around the option. 59

4.3 Arguments for and against the merger

The Scottish Government argues that the integration of BTP’s Scottish functions into Police Scotland would deliver significant benefits. These include:

- operational advantages such as integrating railway policing with airports and road policing;
- a joined-up process to identify links between crime on the railways and wider communities; and
- joint training of railway and other police officers in Scotland for more effective deployment.

Scottish Minister for Transport and the Islands, Humza Yousaf, stated:

Our proposals will deliver an integrated approach to transport infrastructure policing in Scotland, bringing railway policing alongside the policing of roads, seaports, airports and border policing. Integration will enhance railway policing in Scotland through direct access to Police Scotland’s specialist resources, in line with our primary objective of maintaining and enhancing the safety and the security of railway passengers and staff. 60

The Scottish Government also believes that its proposals will increase accountability, with the SPA providing a more direct and effective form of accountability to the Scottish Parliament than the BTPA. 61

Many stakeholders have opposed the full integration of BTP’s Scottish functions into Police Scotland. 62 In particular, the BTPA has identified potential operational risks associated with full integration, including in

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57 Scottish Government news, Railway policing integration, 20 February 2018
58 Scottish Parliament Justice Committee, Proposed integration of the British Transport Police in Scotland into Police Scotland
59 Scottish Government, Devolution of Railway Policing, December 2018
60 SP OR 9 May 2017, col 36
61 Scottish Government, Policy Memorandum to the Railway Policing (Scotland) Bill, para 40
62 Scottish Parliament Justice Committee, Stage 1 Report on the Railways Policing (Scotland) Bill, SP Paper 132, 28 April 2017, Executive Summary
relation to the policing of cross-border travel and managing cross-border issues. For instance it argued that:

The efforts to combat terrorism and extremism must be cross-border – an attack on Scottish soil may well be stopped in England. Equally, any perceived vulnerability arising from fragmented jurisdiction will be exploited by those planning an attack, and jeopardising the ability to police the network as a whole could well result in greater risks to passengers.\(^{63}\)

The Rail Delivery Group (RDG) also argue that the Scottish Government’s proposals would dilute rather than reinforce accountability. This is because the SPA is accountable to the people of Scotland more generally, rather than rail users, which is the case with the BTPA model.\(^{64}\)

On 24 July 2018, the RMT announced that the three largest rail unions, the RMT, TSSA and ASLEF, together with Scottish Labour, had united in an attempt to stop the merger.\(^{65}\) They argue that the merger is “unwanted, unnecessary and un-costed”.\(^{66}\)

**Inspectorate of Constabulary in Scotland strategic overview of the merger**

The Department for Transport commissioned the Inspectorate of Constabulary in Scotland to conduct a review of the BTP and a strategic overview of the proposed transfer of the BTP in Scotland to Police Scotland. The inspectorate published its report in August 2017. It concluded that:

…whilst the complexity of transferring railway policing in Scotland from BTP to Police Scotland should not be underestimated, we believe the transfer can be successfully delivered provided the issues highlighted in our report are addressed.\(^{67}\)

The Inspectorate raised concerns about the cost of merger. They also made a number of informal recommendations to Police Scotland and the merger project team. These recommendations encouraged Police Scotland to develop practices which would maintain some level of specialism in railway policing following the merger.\(^{68}\)

**4.4 Estimated costs of the merger**

The Scottish Government’s assumption is that annual railway policing costs should not rise by more than RPI inflation as a result of the merger.\(^{69}\) However, Rail Delivery Group has expressed significant

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\(^{63}\) BTPA, *Options for the devolution of transport policing in Scotland*, January 2015, para 2.4.5

\(^{64}\) Justice Committee, *Railway Policing (Scotland Bill): written evidence submitted by the Rail Delivery Group*, 31 January 2017, p3

\(^{65}\) RMT news, *RMT to tell new Transport Minister to halt police merger*, 24 July 2018

\(^{66}\) Ibid

\(^{67}\) HMICS, *Strategic overview of British Transport Police in Scotland including the proposed transfer to Police Scotland*, August 2017, p4

\(^{68}\) HMICS, *Strategic overview of British Transport Police in Scotland including the proposed transfer to Police Scotland*, August 2017

\(^{69}\) Scottish Parliament, *Policy Memorandum to the Railway Policing (Scotland) Bill*, para 56
concerns about the possible additional expense associated with the Scottish Government’s proposals. On advice from BTPA, it notes that the costs incurred by BTPA to transfer functions to Police Scotland could be considerable. In addition, it is the BTPA’s opinion that the proposals will make policing in England and Wales slightly more expensive, while it is also likely that resolving disputes under two legislative frameworks rather than one will increase costs. RDG’s position is that all these additional expenses should be met by the Scottish Government and not PSA holders.70 The Scottish Parliament’s Justice Committee acknowledged the concerns about costs raised by train operators. It concluded that the Financial Memorandum prepared by the Scottish Government did not provide enough detail on the expected costs or who should pay if costs did increase as a result of integration. 71

In its response to the Justice Committee of the Scottish Parliament, the Scottish Government restated its belief that the costs of integration could be accommodated within the current overall spend, but gave an assurance that the Committee would be provided with six monthly updates on the costs of integration. It did not provide further clarity on who would pay for additional costs if they were incurred.72

70 Rail Delivery Group, *Railway Policing (Scotland Bill): written evidence submitted by the Rail Delivery Group*, pp 6-7
72 Justice Committee, *Scottish Government response to the Justice Committee Stage 1 Report for the Railway Policing (Scotland) Bill*, 8 May 2017, p10
5. Personnel statistics

Staff working for BTP fall into three main categories:

- **Police officer**;
- **Police staff**: undertake functions which are not those of police officers such as business support, media and marketing and training; and
- **Police community support officer (PCSO)**: paid roles working alongside police dealing with minor offences but without the powers of full police officers.

In 2017/18, the BTP was staffed by around **3,080 police officers**, **1,530 police staff** and **270 PCSOs**.\(^{73}\)

**Long term trend in staffing numbers**

Since 2007/08 the number of police officers in the BTP has remained consistent at around 3,000. The number of police staff and PCSOs has risen slightly from just under 1,500 in 2007/08 to almost 1,800 in 2017/18.

The increase in the number of police staff and PCSOs has reduced the proportion of BTP staff that are police officers by 3 percent over the past ten years, from 66% in 2007/08 to 63% in 2017/18.

**Source:** British Transport Police, *Statistical Bulletin 2017/18*, p6

### Special Police Officers

Special police officers are volunteers. They wear the same uniforms as regular police officers and have identical powers but provide their services on a voluntary and part time basis.

In 2017/18, there were around 320 special officers volunteering with the BTP.\(^{74}\) They volunteered around 101,500 hours during the year.\(^{75}\)

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\(^{73}\) British Transport Police, *Police Statistical Bulletin 2017/18*, section three

\(^{74}\) Ibid, p5

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