

**BTP Integration
Joint Programme Board
Legislation Update**

Purpose:

1. The purpose of this paper is to update the Joint Programme Board on progress in developing the Scottish Government's primary legislation on railway policing.

Key Information:

2. The Scottish Government's legislative programme for the coming parliamentary year is in the process of being finalised, and at this stage we are still expecting our primary railway policing legislation to follow the timescales previously indicated to the Joint Programme Board, i.e. completing its passage by the end of the Parliamentary year (June 2017). We will provide a further update once the programme has been confirmed.
3. An initial set of policy instructions has been provided to SG Legal colleagues for their consideration. This takes the UK Railways and Transport Safety Act 2003 as a starting point, and indicates which of the issues covered we would envisage needing to be addressed through primary railway policing legislation in the Scottish Parliament, and which may already be covered by existing policing legislation.
4. We have also asked our Legal colleagues for an early view on how we should approach cross-border issues following the devolution of railway policing in order to meet the policy objective of ensuring that existing railway policing services across the border can continue to operate on the same basis, in particular with BTP officers from England continuing to have policing powers when on duty on trains entering Scotland, and similarly for Police Scotland railway police officers on duty on trains entering England. Once we have an initial view on this, we would welcome early engagement with DfT colleagues in scoping out an approach to providing the necessary legislative underpinnings in both Parliaments, and the main mechanisms and timescales for doing this.

Recommendation:

5. The Joint Programme Board is requested to note this progress update. Initial views would also be welcome on the cross-border issues mentioned in the above paragraph, including on potential approaches to addressing the UK Government legislative aspects.

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