

**OFFICIAL**

Our Ref: IM-FOI-2022-2679  
Date: 30 December 2022



**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**I refer to The office of Constable: The bedrock of modern day policing by John Apter on the police federation website, and it has raised some questions:**

**What does it mean to be policing by consent? I quote from the above-referenced document:**

**" The office of constable is fundamental to our system of politically independent policing by consent." page 10 " When Sir Robert Peel was designing the foundations of our police service, he put at its heart the citizen in uniform, policing by consent with absolute impartiality under the law (...)", page 8 quote of Chief Constable Sara Thornton**

**What does it mean, the 8th principle of policing, that the Police should (...) never usurp the powers of juridical?**

In terms of section 8 of the Act I do not deem this to be a valid request for information as it seeks comment/ opinion/ explanation as opposed to describing the recorded information being sought.

**Is the police officer obliged to follow his oath while he performs his duties?  
Is every police officer have to swear the oath, and if not: what and why are exemptions?**

The Police Constable declaration is set out at [section 10 of the Police and Fire \(Reform\) \(Scotland\) Act 2012](#):

*"I, do solemnly, sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable with fairness, integrity, diligence and impartiality, and that I will uphold fundamental human rights and accord equal respect to all people, according to law."*

An appointment of an individual as a constable has effect only where the individual has made the declaration before a sheriff or justice of the peace.

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Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.police.uk](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.