



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART I

#### ORGANISATION OF POLICE FORCES

##### *Police areas, police authorities and police forces*

#### **1 Police areas.**

[<sup>F1</sup>(1) Subject to the provisions of any amalgamation scheme, a police force shall be maintained for every region and for every islands area, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof.]

(2) Subject to the provisions of this Act relating to amalgamation schemes, any reference in this Act to a police area shall be construed as a reference to an area for which a police force falls to be maintained in pursuance of this section, or would apart from the said provisions fall to be so maintained, and shall include a reference to the territorial waters, if any, adjacent to such area.

#### **Textual Amendments**

**F1** S. 1(1) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(2\)](#)

#### **2 Police authorities and their functions.**

(1) [<sup>F2</sup>For every police area which is a region, the regional council, and for every police area which is an islands area the islands council, shall be the police authority] and, subject to the provisions of any amalgamation scheme, shall have in relation to that area, and to the police force maintained for that area or for any combined area comprising that area, the functions conferred or imposed upon police authorities by this Act.

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- (2) The police authority shall pay to the constables of a police force pay and allowances in accordance with regulations made under Part II of this Act, and shall reimburse to such constables any expenses reasonably incurred by them in the performance of their duty . . . <sup>F3</sup>.
- (3) The police authority may, subject to any regulations made under Part II of this Act, provide and maintain such vehicles, apparatus, accoutrements, clothing and other equipment as may be required for the purposes of a police force.
- (4) The police authority may, subject to the consent of the Secretary of State, provide and maintain such land and buildings and other structures, and make such alterations in any buildings and other structures already provided, as may be required for the purposes of a police force (including cells for the temporary confinement of persons taken into police custody and dwelling-houses or other housing accommodation for constables).

**Textual Amendments**

**F2** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(3\)](#)

**F3** Words repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\), Sch. 2 para. 12, Sch. 4](#)

**[3] <sup>F4</sup> Establishments of police forces**

- (1) A police force shall consist of a chief constable, regular constables and special constables.
- (2) In subsection (1) above—  
“regular constables” means constables (including probationary constables) to whom both pay and allowances are, by virtue of section 26 of this Act, payable; and “special constables” means constables to whom allowances only are so payable.]

**Textual Amendments**

**F4** [S. 3](#) substituted (13.12.1995) by [1994 c. 29, s. 47\(1\)](#); [S.I. 1995/3003, art. 2, Sch.](#)

**4 Chief constables.**

- (1) Subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, the police authority shall, after consultation with, and subject to the approval of, the Secretary of State, appoint the chief constable of the police force maintained for their area.
- (2) A person appointed to the office of chief constable of a police force shall hold the rank of chief constable.
- (3) . . . . . <sup>F5</sup>
- (4) Subject to the following provisions of this section, a person appointed to the office of chief constable of a police force—
  - (a) may resign his appointment in accordance with regulations made under Part II of this Act; or

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- (b) may in accordance with regulations made as aforesaid be required by the police authority to resign his appointment; or
  - (c) may in accordance with regulations made as aforesaid be dismissed by the police authority; or
  - (d) may, without prejudice to those regulations, be called on to retire by the police authority, acting with the approval of the Secretary of State, where they consider that his retirement is in the interests of efficiency;
- but otherwise shall remain in office until the termination of his appointment by death or the expiration of any period of tenure specified in the terms thereof, whichever event shall first occur.
- (5) Before seeking the approval of the Secretary of State under paragraph (d) of subsection (4) of this section the police authority shall give the chief constable an opportunity to make representations and shall consider any representations so made.
  - (6) A chief constable who is called on to retire as aforesaid shall retire on such date as the police authority may specify when calling on him to retire or on such earlier date as may be agreed upon between him and the police authority.
  - (7) Nothing in subsection (4) of this section shall prejudice the operation of section 23(2) of this Act, or of any enactment providing for retirement by virtue of section 1 of the [<sup>F6M1</sup>Police Pensions Act 1976] (police pension regulations).

#### Textual Amendments

- F5** S. 4(3) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 29](#)
- F6** Words substituted by virtue of [Police Pensions Act 1976 \(c. 35\)](#), [s. 12\(3\)](#)

#### Marginal Citations

- M1** 1976 c. 35.

#### [5] <sup>F7</sup>Assistant chief constables.

- (1) The ranks that may be held in a police force maintained under section 1 of this Act shall include that of assistant chief constable (but not that of deputy chief constable); and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (4) to (7) of section 4 of this Act shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall, after consulting the police authority for the area for which his force is maintained, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
  - (a) during any absence, incapacity or suspension from duty of the chief constable, or
  - (b) during any vacancy in the office of chief constable.

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- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) of this section at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.]

#### Textual Amendments

- F7** S. 5 substituted for ss. 5, 5A (1.1.1995 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 48; S.I. 1994/3075, art. 2, **Sch. 1**; S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)

### 6 Constables below rank of assistant chief constable.

- (1) Appointments and promotions to any rank below that of assistant chief constable in any police force shall be made, subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, by the chief constable.
- (2) Subsections (4) and (7) of section 4 of this Act (except paragraph (d) of the said subsection (4)) shall apply to a constable (not being a chief constable, [<sup>F10F11</sup> . . . or an assistant chief constable]) as they apply to a chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by section 26(7) of this Act.

#### Textual Amendments

- F10** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), **Sch. 6 para. 30**
- F11** Words in s. 6(2) repealed (1.4.1995) by 1994 c. 29, ss. 63(2), 93, **Sch. 9 Pt. I**; S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)

### 7 Ranks.

- (1) The ranks which may be held in a police force shall be such as may be prescribed, and the ranks so prescribed shall include the ranks of chief constable <sup>F12</sup> . . . , assistant chief constable <sup>F12</sup> . . . superintendent [<sup>F13</sup> , chief inspector, inspector, sergeant and constable].

<sup>F14</sup>(2) . . . . .

- (3) There shall not be assigned to any constable at any time a rank lower than that which he then holds, except with his consent or in accordance with regulations as to discipline made under Part II of this Act.

#### Textual Amendments

- F12** Words in s. 7(1) repealed (1.4.1995) by 1994 c. 29, ss. 47(2)(a)(i), 93, **Sch. 9 Pt. I**; S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)

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- F13** Words in s. 7(1) inserted (1.4.1995) by 1994 c. 29, s. 47(2)(a)(ii); S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)
- F14** S. 7(2) repealed (13.12.1995) by 1994 c. 29, ss. 47(2)(b), 93, **Sch. 9 Pt. I**; S.I. 1995/3003, art. 2, **Sch.**

## 8 Police cadets.

- (1) The chief constable of any police force may, in accordance with regulations made under Part II of this Act and subject to the approval of the police authority and the Secretary of State as to numbers, appoint persons as police cadets to undergo training with a view to becoming constables of that police force.
- (2) Subject to such regulations as aforesaid, all police cadets shall be under the control of, and subject to dismissal by, the chief constable.
- (3) Subject to subsection (2) of this section, the police authority for a police area shall be treated for the purposes of any legal proceedings, and for the purposes of any enactment relating to the functions of employers, as the employer of any police cadets appointed to undergo training with the police force maintained for that area.

## 9 Employees other than constables.

The police authority may employ for the assistance of the constables of a police force such number of officers (not being constables) as may from time to time be fixed by the authority with the consent of the Secretary of State.

## 10 Land: compulsory acquisition, etc.

- (1) A police authority may be authorised by the Secretary of State to acquire compulsorily land required for the purposes of their functions under this Act, and the <sup>M2</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if this section had been in force immediately before the commencement of that Act.
- (2) For the purposes of subsection (1) of this section and of [<sup>F15</sup>sections 70 to 78 of the <sup>M3</sup>Local Government (Scotland) Act 1973] (acquisition of and dealings in land by local authorities) any land required, acquired, appropriated or held for the purposes of a police force shall be deemed to be required, acquired, appropriated or held, as the case may be, for the purposes of the functions of the police authority under this Act.

### Textual Amendments

- F15** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 237\(2\)](#)

### Marginal Citations

- M2** 1947 c. 42.  
**M3** 1973 c. 65.

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### *General provisions*

#### **11 Aid of one police force by another.**

- (1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, who may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit.
- (2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) of this section cannot be made, or cannot be made in time, he may direct the chief constable of any police force to provide such constables or other assistance for that purpose as may be specified in the directions.
- (3) A copy of any directions given to the chief constable of any police force under subsection (2) of this section shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects their functions in relation to that force.
- (4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the Secretary of State.

#### **12 Collaboration agreements.**

- (1) If it appears to the chief constables of two or more police forces that any police functions can more efficiently be discharged by constables of those forces acting jointly, they may, with the approval of the police authorities for the areas for which those forces are maintained, make an agreement for that purpose.
- (2) If it appears to the police authorities for any two or more police areas that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained for those areas, they make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in default of agreement, be determined by the Secretary of State.
- (4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.
- (5) If it appears to the Secretary of State that an agreement should be made under subsection (1) or subsection (2) or subsection (4) of this section, he may, after considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.

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## [12A] <sup>F16</sup> Provision of advice and assistance to international organisations etc.

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief constable of a force maintained by it.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a constable of the force maintained for the area of the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) above may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
  - (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice and assistance provided by it under this section.
- (7) The provisions of this section are without prejudice to the <sup>M4</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M5</sup>Overseas Development and Co-operation Act 1980.]

### Textual Amendments

**F16** S. 12A inserted (21.7.1994) by 1994 c. 29, ss. 50, 94(3)(b)

### Marginal Citations

**M4** 1945 c. 17.

**M5** 1980 c. 63.

## 13 Watching of premises or land under agreement with occupier.

- (1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area.
- (2) The power conferred upon a police authority by subsection (1) of this section may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

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## 14 Extra policing of locality where works are being constructed.

(1) Where—

- (a) by reason of the construction of works on or over land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and
- (b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,

the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary<sup>F17</sup> . . . for increasing the number of constables so available accordingly.

(2) Where such arrangements as are mentioned in subsection (1) of this section have been made, the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the [F18sheriff principal].

(3) The provisions of this section shall be without prejudice to the provisions of section 17(3) of this Act.

(4) In this section [F18sheriff principal] does not include a [F18sheriff].

### Textual Amendments

**F17** Words in s. 14(1) repealed (13.12.1995) by 1994 c. 29, ss. 47(4), 93, **Sch. 9 Pt. I**; S.I. 1995/3003, art. 2, **Sch.**

**F18** Words substituted by virtue of **Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4**

## 15 Annual and other reports by chief constable.

(1) The chief constable of a police force shall before 31st [F19July] in each year submit to the police authority a [F20report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects,] the policing, during the [F21twelve months ending on 31st March in that year], of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (3) of this section.

(2) Subject to the following provisions of this section, the chief constable of a police force shall, whenever required by any of the authorities specified in subsection (3) of this section, submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained.

(3) The authorities referred to in subsections (1) and (2) of this section are—

- the Secretary of State,
- the [F22sheriff principal] having jurisdiction in any part of the area . . .<sup>F23</sup>
- the police authority.

(4) If it appears to the chief constable that a report in compliance with a requirement made by the police authority in pursuance of subsection (2) of this section would contain



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information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may, after consultation with the police authority, refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.

(5) Nothing in the foregoing provisions of this section shall require a chief constable to submit . . . <sup>F23</sup> to any [<sup>F22</sup>sheriff principal] a report on matters which are not connected with the policing, . . . <sup>F23</sup> of places in which the [<sup>F22</sup>sheriff principal] has jurisdiction.

(6) In this section [<sup>F22</sup>sheriff principal] does not include a [<sup>F22</sup>sheriff].

#### Textual Amendments

**F19** Word in s. 15(1) substituted (1.1.1996) by 1994 c. 29, s. 51(a); S.I. 1994/3075, art. 4(1) (with art. 4(2))

**F20** Words in s. 15(1) substituted (1.1.1995) by 1994 c. 29, s. 51(b); S.I. 1994/3075, art. 2, Sch.

**F21** Words in s. 15(1) substituted (1.1.1996) by 1994 c. 29, s. 51(c); S.I. 1994/3075, art. 4(1) (with art. 4(2))

**F22** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4

**F23** Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

## 16 Declaration to be made by constables on appointment.

A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, [<sup>F24</sup>or justice of the peace], a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

#### Textual Amendments

**F24** Words substituted by District Courts (Scotland) Act 1975 (c. 20), Sch. 1 para. 29

### *General functions and jurisdiction of constables*

## 17 General functions and jurisdiction of constables.

(1) Subject to the provisions of this Act, it shall be the duty of the constables of a police force—

- (a) to guard, patrol and watch so as—
  - (i) to prevent the commission of offences.
  - (ii) to preserve order, and
  - (iii) to protect life and property;
- (b) where an offence has been committed (whether within or outwith the police area for which the police force is maintained) to take all such lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purpose of bringing the offender with all due speed to justice;
- (c) to serve and execute when required any warrant, citation or deliverance issued, or process duly endorsed, by a Lord Commissioner of Justiciary, sheriff, [<sup>F25</sup>or justice of the peace], being a warrant, citation, deliverance or process relating to any criminal proceeding;

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(d) to attend any court of law for the purpose of giving evidence; and without prejudice to the operation of [F26section 321(3) of the M6Criminal Procedure (Scotland) Act 1975] (bringing of apprehended person before court on first lawful day after arrest) it shall be the duty of any constable in carrying out his duties under paragraph (b) of this subsection to take every precaution to ensure that any person charged with an offence is not unreasonably and unnecessarily detained in custody.

- (2) The performance by a constable of his functions under this or any other enactment or under any rule of law shall be subject to the direction of the appropriate chief constable.
- (3) In directing the constables of a police force in the performance of their functions the appropriate chief constable shall comply with all lawful instructions (whether general or special) which he may receive—
  - (a) ..... F27
  - (b) ..... F28 from the [F29sheriff principal] having jurisdiction in the place:

Provided that in relation to the investigation of offences the chief constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor.

In this subsection [F29sheriff principal] does not include a [F29sheriff].

- (4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland [F30and (without prejudice to section 1(2) of this Act) the adjacent United Kingdom waters].
- (5) The foregoing provisions of this section shall not apply to any constable of a police force who is for the time being suspended from duty in accordance with any regulations made under Part II of this Act.
- (6) ..... F31
- (7) In this section “appropriate chief constable”, in relation to any constable, means—
  - (a) if the constable is for the time being serving, in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements, with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force, and
  - (b) in any other case, the chief constable of the police force in which the constable holds his appointment.

[F32(7A) In this section—

“powers” includes powers under any enactment, whenever passed or made;  
 “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

and this section, so far as it relates to powers under any enactment, makes them exercisable throughout those waters whether or not the enactment applies to those waters apart from this provision.]

- (8) This section shall be without prejudice to section 18 of this Act, and to any other enactment conferring powers on a constable for particular purposes.

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### Textual Amendments

- F25** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **Sch. 1 para. 30**
- F26** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 460(7)**
- F27** [S. 17\(3\)\(a\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F28** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F29** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **s. 4**
- F30** Words in [s. 17\(4\)](#) inserted (3.2.1995) by 1994 c. 33, **s. 160(2)(a)**; S.I. 1995/127, art. 2, **Sch. 1**
- F31** [S. 17\(6\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 110, **Sch. 7 Pt. VI**
- F32** [S. 17\(7A\)](#) inserted (3.2.1995) by 1994 c. 33, **s. 160(2)(b)**; S.I. 1995/127, art. 2, **Sch. 1**

### Modifications etc. (not altering text)

- C1** [S. 17\(1\)\(b\)](#) modified by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **s. 38(2)**  
[S. 17\(1\)\(b\)](#) amended (1.4.1997) by 1995 c. 36, **s. 53(3)** (with s. 9, Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- C2** [S. 17\(2\)](#) excluded by [Police Act 1969 \(c. 63\)](#), **s. 1(3)**

### Marginal Citations

- M6** 1975 c. 21.

<sup>F33</sup> 18 .....

### Textual Amendments

- F33** [S. 18](#) repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix C

## Amalgamations

### 19 Schemes for amalgamation of police forces.

- (1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (in this Act referred to as an “amalgamation scheme”) and the Secretary of State may by order approve any scheme so submitted to him.
- (2) Subject to the provisions of this Act, an amalgamation scheme shall make provision with regard to the following matters—
  - (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area;
  - (b) the constitution for the purposes of paragraph (c) of this subsection in relation to that force of a joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme;
  - (c) the delegation to the joint police committee of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their

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- functions under this section, and such other functions as may be specified in the scheme);
- (d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure incurred by the joint police committee in the performance of the functions delegated to them;
- (e) . . . <sup>F34</sup>
- (3) The reference in subsection (2)(d) of this section to the expenditure incurred by the joint police committee is a reference to so much of the net expenditure of the committee as is not reimbursed to the committee under section 32 of this Act by sums paid out of moneys provided by Parliament.
- (4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters—
- (a) the transfer of property, rights and liabilities;
  - (b) the adjustment of liabilities between the constituent authorities;
  - (c) the settlement of differences between the constituent authorities;
  - (d) the transfer to the joint police committee of officers of any of the constituent authorities;
  - (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area;
  - (f) any other matters incidental to or consequential on the provisions contained in the scheme.
- (5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.
- (6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee of the expenditure referred to in subsection (2)(d) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.
- (7) [<sup>F35</sup>For the purposes of the <sup>M7</sup>Local Government Superannuation (Scotland) Regulations 1974] the appropriate superannuation fund in relation to the [<sup>F35</sup>pensionable employees] of a joint police committee shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.
- (8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.
- (9) In this Act, unless the context otherwise requires—
- (a) any reference to a police area shall be construed as including a reference to a combined area; and
  - (b) in relation to a police force maintained for a combined area, any reference to the police authority shall be construed as a reference to the police authorities

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for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the joint police committee by or under the amalgamation scheme.

#### Textual Amendments

**F34** S. 19(2)(e) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

**F35** Words substituted by [S.I. 1974/812](#), [Sch. 16 Pt. I para. 4](#)

#### Marginal Citations

**M7** [S.I. 1974/812](#)

### [19A] <sup>F36</sup>**Incorporation of joint police boards.**

Every amalgamation scheme made under this Act shall include provision that any joint police board established by the scheme shall be incorporated with a common seal and have power to hold land and to borrow money.]

#### Textual Amendments

**F36** S. 19A inserted (4.1.1995) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 71\(6\)](#); [S.I. 1994/2850, art. 3\(b\)\(c\)](#) (v)

### **20 Power of Secretary of State to make amalgamation schemes.**

- (1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him under section 19 of this Act by the police authorities for those areas before such date as he may fix, the Secretary of State may in accordance with the following provisions of this section by order make such scheme as he considers expedient; and the provisions of the said section 19 shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the substitution in subsection (8) thereof for any reference to the approval of a scheme of a reference to the making of a scheme.
- (2) Before making a scheme under this section the Secretary of State shall send a copy of the proposed scheme to the police authorities concerned and shall specify in an accompanying notice the period within which objection may be made to the proposed scheme.
- (3) If, within the period specified in the notice, a police authority to whom notice has been given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be a constable or an officer of any Government department).
- (4) Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.

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- (5) Any local inquiry held under subsection (3) of this section shall be held in public, and the provisions of [F<sup>37</sup>subsections (3) to (8) of section 210 of the M<sup>8</sup>Local Government (Scotland) Act 1973] (provisions as to local inquiries) shall apply to any such inquiry as they apply to an inquiry held under that section.
- (6) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft.

#### Textual Amendments

F37 Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(6\)](#)

#### Marginal Citations

M8 1973 c. 65.

## 21 Amendment and revocation of amalgamation scheme.

- (1) An amalgamation scheme may be amended or revoked by a subsequent scheme made under section 19 or section 20 of this Act, and the foregoing provisions of this Act and the provisions of section 25 thereof and of Schedule 2 thereto shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—
- for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area;
  - for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid;
  - for the dissolution and winding up of any joint police committee constituted under the original scheme, or for the reconstitution of any such committee;
  - for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area;
  - for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the joint police committee;
  - for any other matters incidental to or consequential on the provisions of the subsequent scheme.

## [F<sup>38</sup>21A Alteration of local government areas.

- (1) Subject to subsection (2) below, an amalgamation scheme may be approved or made under this Act with respect to two or more police areas—
- to be established by the M<sup>9</sup>Local Government (Scotland) Act 1973,

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- (b) which are proposed to be altered by an order under section 17 of the <sup>M10</sup>Local Government (Scotland) Act 1973,  
and subject to subsection (3) below, may be so approved or made before the relevant date.
- (2) The Secretary of State shall make an amalgamation scheme under this Act before the relevant date for the police areas comprised in each of the combined areas set out in the following table—

TABLE

<i>Combined area</i>	<i>Police areas comprised</i>
South-eastern	Borders and Lothian
Northern	Highland and the Islands Areas.

- (3) A scheme under this section shall not come into force before the relevant date except so far as it relates to the constitution of the joint police committee and to the performance by that committee of functions necessary for bringing the scheme into full operation on that date.
- (4) In relation to an amalgamation scheme to be approved or made by virtue of this section, sections 19, 20 and 21 of this Act shall apply subject to any necessary modifications except that subsections (2) to (5) of the said section 20 shall not apply where the scheme is made by the Secretary of State before 16th May 1975 by virtue of subsection (2) above.
- (5) In this section “the relevant date” means, in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of subsection (1) or in subsection (2) above, 16th May 1975, and, in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of subsection (1) above, the date on which the order mentioned in that paragraph comes into force.]

**Textual Amendments**

**F38** S. 21A inserted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(7\)](#)

**Marginal Citations**

**M9** 1973 c. 65.

**M10** 1973 c. 65.

**[21B** <sup>F39</sup>**Reorganisation of police areas.**

- (1) Subject to the provisions of this section, the police forces established and maintained for existing police areas in Scotland under this Act immediately prior to 1st April 1996 shall continue in existence on and after that date in accordance with the provisions of this section.
- (2) The police forces for the existing police areas of Fife and Dumfries and Galloway shall be the police forces for the new police areas of the same names.
- (3) The Secretary of State shall, before 1st April 1996, by order make amalgamation schemes amalgamating the police areas mentioned in the second column of the table

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below into the combined police areas mentioned in the first column of that table, and the police forces for the existing police areas shown in brackets in the first column shall be the police forces for the new combined police areas.

TABLE

<i>Combined area</i>	<i>Police areas comprised</i>
Northern (Northern).	Highland, Western Isles, Orkney Islands, Shetland Islands.
Grampian (Grampian).	Aberdeenshire, Moray, City of Aberdeen.
Tayside (Tayside).	Perthshire and Kinross, Angus, City of Dundee.
Central Scotland (Central Scotland).	Stirling, Clackmannan, Falkirk.
Lothian and Borders (Lothian and Borders).	City of Edinburgh, East Lothian, Midlothian, West Lothian, the Borders.
Strathclyde (Strathclyde).	Argyll and Bute, Dumbarton and Clydebank, City of Glasgow, East Dunbartonshire, Inverclyde, North Lanarkshire, South Lanarkshire, Renfrewshire, East Renfrewshire, East Ayrshire, North Ayrshire, South Ayrshire.

- (4) Subject to section 19A of this Act, an amalgamation scheme made under this section may contain such provision as the Secretary of State considers necessary or appropriate for the purposes of the scheme including, without prejudice to the generality of the foregoing, any provision which is required to be made, or which may be made, in an amalgamation scheme made by virtue of section 19 of this Act.
- (5) Before making an amalgamation scheme under this section the Secretary of State shall—
- (a) consult such police authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (6) The schemes made by an order under this section shall not take effect before 1st April 1996, except in relation to—
- (a) the constitution of joint police boards; and
  - (b) the carrying out by those boards of any functions necessary to bring the schemes into operation on that date.
- (7) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

#### **Textual Amendments**

**F39** It is provided that s. 21B is inserted (4.1.1995) by 1994 c. 39, s. 34; S.I. 1994/2850, art. 3(a), **Sch. 2**



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## 22 Compensation of officers prejudicially affected by amalgamation scheme.

- (1) If in consequence of an amalgamation scheme or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a joint police committee, suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in operation, be entitled to receive compensation under this section from such constituent authority or joint police committee as may be determined by or under that scheme.
- (2) Any person who, immediately before the date on which an amalgamation scheme came into operation, was an officer employed by a constituent authority or by a joint police committee and who, at any time within five years after the said date—
  - (a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or
  - (b) relinquishes office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition, to those which he was required to perform immediately before that date,
 shall for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.
- (3) For the purposes of the determination and payment of compensation under this section the provisions of section 318 of, and Schedule 11 to, the <sup>M11</sup>Local Government (Scotland) Act 1947 (compensation of officers of local authorities on transfer of functions) shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

### Marginal Citations

M11 1947 c. 43.

## [<sup>F40</sup>23 Chief constables affected by amalgamations or local government reorganisations.

- (1) If the chief constable of a police force which ceases to exist in consequence of an amalgamation scheme, or an order under section 216 of the Local Government (Scotland) Act 1973, is not appointed as from the date when that police force ceases to exist—
  - (a) chief constable of the new force, or
  - (b) constable of any rank in any other police force which exists on that date,
 he shall on that date become a constable of the new force (or, if there is more than one new force established by the amalgamation scheme or order, of such one of them as may be provided by the scheme or order) by virtue of this subsection.
- (2) While a person is a constable of a police force by virtue only of subsection (1) above he shall hold the rank of [<sup>F41</sup>assistant] chief constable, but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist.

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- (3) A chief constable who becomes a constable of a police force by virtue of subsection (1) above shall, subject to regulations under Part II of this Act [<sup>F42</sup>and to subsection (3A) below], cease to be a constable thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force in some other capacity.
- [ If a chief constable was appointed for a term which expires within three months of his <sup>F43</sup>(3A) becoming a constable of a police force by virtue of this section, subsection (3) above shall have effect as if the reference in it to three months were a reference to that term.]
- (4) The provision to be made by regulations under section 24 of the <sup>M12</sup>Superannuation Act 1972 or section 219 of the <sup>M13</sup>Local Government (Scotland) Act 1973 with respect to the chief constable of a police force who, after becoming a constable of another police force by virtue of subsection (1) above, ceases to be a constable of that force without having accepted and taken up an appointment in that force in a capacity other than that of chief constable shall, if he was the chief constable of a police force on 15th May 1975, be not less favourable than any provision by way of pension that would have been payable to or in respect of him by virtue of the [<sup>F44</sup><sup>M14</sup>Police Pensions Act 1976] had the first-mentioned police force been combined with another force by an amalgamation scheme under the <sup>M15</sup>Police (Scotland) Act 1956 and he had neither been transferred to the combined force nor agreed to continue to serve therein in a capacity other than that of chief constable within three months; and section 2(1)(b) of the [<sup>F44</sup><sup>M16</sup>Police Pensions Act 1976] shall not apply to a constable who is first appointed a chief constable on or after 16th May 1975 and who is affected by this section.
- (5) The relevant authority shall offer the chief constable of a police force which ceases to exist on 16th May 1975 (other than a chief constable who has been appointed the chief constable of a new force) an appointment to take effect not later than 16th August 1975 at the rank of assistant chief constable in the relevant new force.
- (6) In this section—
- ”new force’ has the same meaning as it has for the purposes of Schedule 2 to this Act;
- ”relevant authority’ means the police authority or, as the case may be, the joint police committee responsible for the appointment of the chief constable of the relevant new force;
- ”relevant new force’ means the new force to which the majority of the constables of a police force which ceases to exist on 16th May 1975 are transferred.]

#### Textual Amendments

- F40** S. 23 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(8\)](#)
- F41** Word in s. 23(2) substituted (1.4.1995) by [1994 c. 29, s. 53\(2\)\(a\)](#); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)
- F42** Words in s. 23(3) inserted (1.4.1995) by [1994 c. 29, s. 53\(2\)\(b\)](#); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)
- F43** S. 23(3A) inserted (1.4.1995) by [1994 c. 29, s. 53\(2\)\(c\)](#); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)
- F44** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 6\(b\)](#)

#### Marginal Citations

- M12** 1972 c. 11.
- M13** 1973 c. 65.
- M14** 1976 c. 35.

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**M15** 1956 c. 26

**M16** 1976 c. 35.

## 24 Constables engaged on central service or on overseas police service.

- (1) Where, immediately before the date when the amalgamation scheme comes into operation, [<sup>F45</sup>a person is engaged in relevant service within the meaning of section 38A of this Act], that section shall, unless the amalgamation scheme otherwise provides, apply to him in relation to any period after the said date as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.
- (2) Nothing in subsection (1) of this section shall be construed as entitling a person who has engaged for a period of [<sup>F46</sup>relevant] service to revert to the new force as the chief constable of that force; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of his period of [<sup>F46</sup>relevant] service in pursuance of an agreement in that behalf made by him during that period, section 23(2) of this Act shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of his period of [<sup>F46</sup>relevant] service.
- (3) In this section the expressions “transferred force” and “new force” have the same meanings as they have for the purposes of Schedule 2 to this Act, <sup>F47</sup>. . .

### Textual Amendments

- F45** Words in s. 24(1) substituted (21.7.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, ss. 63(4)(a), 94(3)(c); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F46** Words in s. 24(2) substituted (1.4.1995) by 1994 c. 29, s. 63(4)(b); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F47** Words in s. 24(3) repealed (1.4.1995) by 1994 c. 29, s. 63(4)(c), Sch. 9 Pt. I; S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

### Modifications etc. (not altering text)

- C3** Power to apply s. 24 conferred by Overseas Service Act 1958 (c. 14), s. 5(2)
- C4** S. 24 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)
- C5** S. 24 modified by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), s. 11

## 25 Transitory provisions.

- (1) The transitory provisions set out in Schedule 2 to this Act shall have effect for the purposes of the alterations effected by virtue of an amalgamation scheme.
- (2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred.

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**Modifications etc. (not altering text)**

C6 S. 25 extended by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(10\)](#)

## PART II

### CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

#### *Functions of the Secretary of State*

#### 26 Regulations as to government and administration of police forces.

(1) Subject to the provisions of subsections (8) and (9) of this section, the Secretary of State shall make regulations as to the government and administration of [<sup>F48</sup>, and the conditions of service in,] police forces.

[<sup>F49</sup>(1A) Regulations under this section may authorise the Secretary of State, the police authority or the chief constable to make provision for any purpose specified in the regulations.]

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may make provision with respect to the following matters, that is to say—

- (a) the qualifications for appointment and promotion of constables;
- (b) periods of service on probation;
- (c) voluntary retirement of constables;
- (d) the retirement of special <sup>F50</sup> . . . constables;
- (e) the maintenance of discipline in police forces;
- (f) the suspension of constables of a police force from duty;
- (g) the maintenance of personal records of constables;
- (h) the duties which are or are not to be performed by constables;
- (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and any body recognised by the Secretary of State for the purposes of section 47 of the <sup>M17</sup>Police Act 1964 (membership of trade unions);
- (j) the hours of duty, leave, pay and allowances of constables;
- (k) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of regular constables;
- (l) the issue, use and return of police clothing, personal equipment and accoutrements.

[<sup>F51F51</sup>(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—

- (a) establish, or make provision for the establishment of, procedures for cases in which a constable may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and
- (b) make provision for securing that any case in which a constable who holds a rank above that of superintendent may be dismissed, or dealt with in any of

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the other ways mentioned in paragraph (a) above, is decided by the police authority of the area for which the force is maintained.

<sup>F51</sup>(2B) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (2A)(b) above—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief constables or other persons; or
- (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

<sup>F51</sup>(2C) Without prejudice to the generality of subsection (2A)(a) above, regulations under this section shall specify the circumstances in which, for the purposes of section 40A(2) of this Act, proceedings by virtue of that subsection are to be taken to have commenced.]

(3) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, not being earlier than 8th September 1955, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

(4) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.

(5) Regulations under this section shall provide for the making of such arrangements as to the hours of duty of constables as shall secure that every constable (not being above such rank as may be specified in the regulations) shall be allowed at least fifty-two days in a year on which he is not required to perform police duty, save on occasions of emergency, such days being distributed throughout the year with the object of securing, so far as practicable, to every such constable one day's rest in every seven.

[<sup>F52</sup>(5A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.]

(6) Subject to the provisions of this section, regulations under this section may make different provision for different classes of constable and for constables of different rank.

(7) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority in respect of any police force shall be—

- (a) in relation to the chief constable, [<sup>F53</sup>any] deputy chief constable and any assistant chief constable, the police authority;
- (b) in relation to any other constable, the chief constable:

Provided that, in relation to any such other constable in whose case the chief constable is interested otherwise than as chief constable or is a material witness, the appropriate disciplinary authority shall, if either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.

(8) ..... <sup>F54</sup>

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- (9) Before making regulations under this section [<sup>F55</sup>other than regulations with respect to any of the matters mentioned in section 1(1) of the <sup>M18</sup>Police Negotiating Board Act 1980], the Secretary of State shall submit a draft either—
- (a) to the Police Advisory Board for Scotland, or
  - (b) to the Joint Central Committee and to such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents (including chief superintendents) respectively,
- and shall consider any representations made as to the draft by that Board or, as the case may be, by the Joint Central Committee or any of those bodies or associations.

[<sup>F56</sup>Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F48** Words in s. 26(1) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(a); S.I. 1994/3075, art. 2, Sch.
- F49** S. 26(1A) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(1)(a)
- F50** Words in s. 26(2)(d) repealed (13.12.1995) by 1994 c. 29, ss. 47(5), 93, Sch. 9 Pt. I; S.I. 1995/3003, art. 2, Sch.
- F51** S. 26(2A)-(2C) inserted (8.8.1994 as regards para. (2B) and 1.1.1995 for specified purposes and otherwise *prosp.*) by 1994 c. 29, ss. 52(3), 94(1); S.I. 1994/2025, art. 3(2)(d); S.I. 1994/3075, art. 2, Sch.
- F52** S. 26(5A) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(b); S.I. 1994/3075, art. 2, Sch.
- F53** Word inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), Sch. 6 para. 32
- F54** S. 26(8) repealed by Police Act 1969 (c. 63), s. 4(8)
- F55** Words substituted by virtue of Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(4)
- F56** S. 26(10) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(b)

#### Modifications etc. (not altering text)

- C7** S. 26 amended by Sex Discrimination Act 1975 (c. 65), s. 17(2)(8)
- C8** S. 26 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(b)(2)

#### Marginal Citations

- M17** 1964 c. 48.
- M18** 1980 c. 10.

VALID FROM 01/04/1996

#### [26A <sup>F57</sup>Power to give directions to police authority after adverse report.

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 33(3) of this Act of any police force maintained under section 1 of this Act.
- (2) Where a report made to the Secretary of State on an inspection carried out for the purposes of this section states—
  - (a) that, in the opinion of the person making the report, the force inspected is not efficient; or
  - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient,

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the Secretary of State may direct the police authority or [<sup>F58</sup>joint police board]] for the area for which the force is maintained to take such measures as may be specified in the direction.

#### Textual Amendments

- F57** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)  
**F58** Words in s. 26A(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(10); S.I. 1996/323, art. 4(1)(b)(c)

VALID FROM 01/04/1996

#### [<sup>F59</sup>26B Police efficiency: allocation of funds.

Without prejudice to the generality of subsection (2) of section 26A of this Act, the Secretary of State may under that subsection direct a police authority or [<sup>F60</sup>joint police board] to allocate from their income, to the purpose of ensuring that a police force is efficient, such amounts as he shall specify.]

#### Textual Amendments

- F59** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)  
**F60** Words in s. 26B substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(11); S.I. 1996/323, art. 4(1)(b)(c)

VALID FROM 01/04/1996

#### [<sup>F61</sup>26C Duty of compliance.

It shall be the duty of a police authority or [<sup>F62</sup>joint police board] to comply with any direction given to them under section 26A or 26B of this Act.]

#### Textual Amendments

- F61** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)  
**F62** Words in s. 26C substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(12); S.I. 1996/323, art. 4(1)(b)(c)

## 27 Regulations for police cadets.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- (2) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall



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be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

- (3) Subsections . . . <sup>F63</sup>[<sup>F64</sup>(1A),(9) and (10)] of section 26 of this Act shall apply in relation to the making of regulations under this section as they apply in relation to the making of regulations under that section.

#### Textual Amendments

**F63** Words repealed by [Police Act 1969 \(c. 63\), s. 4\(8\)](#)

**F64** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 111\(2\)](#)

#### Modifications etc. (not altering text)

**C9** S. 27 amended by [Superannuation \(Miscellaneous Provisions\) Act 1967 \(c. 28\), s. 13](#) and [Sex Discrimination Act 1975 \(c. 65\), s. 17\(2\)\(8\)](#)

**C10** S. 27 amended by [Police Negotiating Board Act 1980 \(c. 10, SIF 95\), s. 2\(b\)\(2\)\(3\)](#)

**C11** S. 27 restricted (22.8.1996) by [1996 c. 16, ss. 62\(1\)\(b\)\(3\), 104\(1\)](#)

## 28 Regulations as to standard of equipment.

The Secretary of State may make regulations requiring equipment provided or used for the purposes of a police force to satisfy such requirements as to design and performance as may be prescribed in the regulations.

## 29 Local inquiries.

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) [<sup>F65</sup>Subsections (3) to (8) of section 210 of the <sup>M19</sup>Local Government (Scotland) Act 1973] (provisions as to local inquiries) shall apply to any inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.

#### Textual Amendments

**F65** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(6\)](#)

#### Marginal Citations

**M19** [1973 c. 65.](#)

## [30] <sup>F66</sup>Appeals against dismissal etc.

- (1) A constable who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (2A) of section 26 of this Act may appeal to a police appeals tribunal against the decision



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except where he has a right of appeal to some other person; and in that case he may appeal to such a tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.

- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
  - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
  - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals under this section to a police appeals tribunal.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents and may, in particular, apply subsections (4) and (5) of section 210 of the <sup>M20</sup>Local Government (Scotland) Act 1973 with such modifications as may be set out in the rules.
- (5) Schedule 3 to this Act shall have effect in relation to appeals under this section.
- (6) Rules made under this section may make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient in consequence of the coming into operation of an amalgamation scheme, amending scheme or revoking scheme while an appeal under this section is pending; and without prejudice to the generality of this subsection, such provision may in particular include modifications to Schedule 3 to this Act in that Schedule's application to any case affected by the making of such a scheme.]

#### Textual Amendments

**F66** S. 30 substituted (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, s. 55(1); S.I. 1994/3075, art. 2, Sch.; S.I. 1996/1646, art. 2, Sch.

#### Marginal Citations

**M20** 1973 c. 65.

### 31 Powers of Secretary of State in relation to compulsory retirement of chief constable, etc.

- (1) The Secretary of State may require a police authority to exercise their power under section 4(4)(d) of this Act to call on a chief constable to retire in the interests of efficiency, and the police authority shall comply with any such requirement.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power with respect to [<sup>F67</sup>[<sup>F68</sup>an] assistant chief constable] the Secretary of State shall give the chief constable <sup>F69</sup>... or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the police authority to exercise the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not a constable or an officer of a Government

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department) to hold an inquiry and report to him and shall consider any report made under this subsection.

- (4) Where the Secretary of State is satisfied that the whole or any part of the expenses of a chief constable<sup>F70</sup> . . . or assistant chief constable in respect of an inquiry under this section was not reasonably incurred, he may direct the constable to pay those expenses or that part of those expenses, as the case may be, or such proportion of the whole or of that part as he may think fit, but, subject to any such direction, those expenses shall be paid by the police authority.

#### Textual Amendments

- F67** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), **Sch. 6 para. 33**
- F68** Words in s. 31(2) substituted (1.4.1995) by [1994 c. 29, s. 63\(5\)\(a\)\(i\)](#); S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)
- F69** Words in s. 31(2) repealed (1.4.1995) by [1994 c. 29 ss. 63\(5\)\(a\)\(ii\), 93](#), Sch. 9 Pt. I; S.I. 1995/492, art. 2, **Sch.** (with art. 4)
- F70** Words in s. 31(4) repealed (1.4.1995) by [1994 c. 29, ss. 63\(5\)\(b\), 93](#), **Sch. 9 Pt. I**; S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)

## 32 Police grant.

- (1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which section 19(6) [<sup>F71</sup>, section 32A] or section 36(4) of this Act applies or may for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine.
- (2) The Secretary of State may deduct from any sum payable by him under subsection (1) of this section to any police authority or joint police committee any sum due by that authority or committee to him by virtue of section 36(4) of this Act or by virtue of that subsection as applied by any order under section 36(5) of this Act.
- (3) Any statutory instrument embodying an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F71** Words in s. 32(1) inserted (1.1.1995) by [1994 c. 29, s. 63\(6\)](#); S.I. 1994/3075, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C12** S. 32 amended by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 77(2)
- C13** S. 32 extended by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 85(2)

## [32A]<sup>F72</sup> Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) by a police authority or joint police committee in connection with safeguarding national security.

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- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.]

#### Textual Amendments

**F72** S. 32A inserted (1.1.1995) by 1994 c. 29, s. 56; S.I. 1994/3075, art. 2, Sch.

### *Inspectors of constabulary*

#### **33 Inspectors of constabulary.**

- (1) Her Majesty may appoint for the purposes after-mentioned such number of inspectors (hereafter in this Act referred to as “inspectors of constabulary”) as the Secretary of State with the consent of the Treasury may determine, and of the persons so appointed one may be appointed as chief inpector of constabulary.
- (2) The inspectors of constabulary shall hold office during Her Majesty’s pleasure and shall be paid out of moneys provided by Parliament such salaries and allowances as the Treasury may determine.
- [<sup>F73</sup>(3) It shall be the duty of the inspectors of constabulary, on being directed to do so by the Secretary of State, to visit and inquire into any matter concerning or relating to the operation of a police force or of police forces generally; and, without prejudice to the generality of this subsection, such matters may include the state and efficiency of, and of the buildings and equipment used by, the force or forces.]
- (4) Such of the inspectors of constabulary as may be directed in that behalf by the Secretary of State shall annually, at such times as may be so directed, submit to the Secretary of State a written report on the state and efficiency of the police forces generally, and the Secretary of State shall cause a copy of every such annual report to be laid before each House of Parliament.

#### Textual Amendments

**F73** S. 33(3) substituted (1.1.1995) by 1994 c. 29, s. 57; S.I. 1994/3075, art. 2, Sch.

#### **34 Assistant inspectors and staff officers.**

- [<sup>F74</sup>(1) The Secretary of State may appoint assistant inspectors of constabulary.
  - (1A) Constables may be appointed under subsection (1) above or to be staff officers to inspectors of constabulary.]
  - (2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may, with the consent of the Treasury, determine.

#### Textual Amendments

**F74** S. 34(1)(1A) substituted for s. 34(1) (1.1.1995) by 1994 c. 29, s. 58; S.I. 1994/3075, art. 2, Sch.

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35 ..... F75

**Textual Amendments**

**F75** Ss. 35, 38(4) repealed by [Police Pensions Act 1976 \(c. 35\)](#), [Sch. 3](#)

*Common services*

**[36** <sup>F76</sup>**Common services.**

- (1) After consulting the Joint Central Committee and such bodies or associations as appear to the Secretary of State to be representative of police authorities or of chief constables or superintendents (such consultation being in the following provisions of this section referred to as “relevant consultation”), he may, either directly or indirectly, provide and maintain such facilities and services, or establish and maintain such institutions and organisations, as he considers necessary or expedient for promoting the efficiency of the police.
- (2) The Secretary of State may, after relevant consultation, by regulations make provision for requiring all police forces in Scotland to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1) above) if he considers that it would be in the interests of the efficiency of the police for them to do so.
- (3) The Secretary of State may, after relevant consultation, by order determine the charges to be payable for facilities and services provided under or by virtue of subsection (1) above, make provision as regards their payment and make provision for the recovery, other than by such charges, of expenses incurred by him in providing the facilities and services.
- (4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any expenses falling on a police authority or joint police committee by virtue of subsection (3) above shall be defrayed in like manner as other expenses incurred for the purposes of this Act by the authority or committee.
- (6) The Secretary of State may, after relevant consultation, in any order under subsection (3) above apply that order, or any provision of that order, to other expenses specified in the order, being expenses incurred by him for the purposes of police forces generally.]

**Textual Amendments**

**F76** S. 36 substituted (1.1.1995) by [1994 c. 29, s. 59](#); [S.I. 1994/3075, art. 2](#), [Sch.](#)

**37 Research.**

The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

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### 38 Central service on police duties.

<sup>F77</sup>(1) .....

<sup>F77</sup>(2) .....

<sup>F77</sup>(3) .....

[<sup>F78</sup>(3A) Notwithstanding anything in [<sup>F79</sup>section 38A(3) of this Act], a person engaged on central service shall continue to be a constable and shall be treated for the purposes of sections 17 and 43 of this Act as if he were a constable of his police force.]

[<sup>F78</sup>(3B) The Secretary of State shall be liable in reparation in respect of any wrongful act or omission on the part of any constable engaged on central service in the performance or purported performance of his functions in like manner as a master is liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.]

(4) ..... <sup>F80</sup>

(5) In this section—

“central service” means temporary service under the Crown in connection with the provision by the Secretary of State of common police services, research or other services connected with the police, and [<sup>F81</sup>temporary service under section 34 of this Act];

“appropriate authority” means—

- (a) in relation to the chief constable of a police force, the police authority;
- (b) in relation to any other constable, the chief constable acting with the consent of the police authority;

<sup>F82</sup> . . . .

#### Textual Amendments

**F77** S. 38(1)-(3) repealed (1.1.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3075, art. 2, **Sch.**

**F78** S. 38(3A)(3B) inserted (*retrosp.*) after section 38(3) by Police Officers (Central Service) Act 1989 (c. 11, SIF 95), s. 2(1)(2)

**F79** Words in s. 38(3A) substituted (1.4.1995) by 1994 c. 29, s. 63(7)(a); S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)

**F80** Ss. 35, 38(4) repealed by Police Pensions Act 1976 (c. 35), **Sch. 3**

**F81** Words in the definition of “central service” in s. 38(5) substituted (1.1.1995) by 1994 c. 29, s. 63(7)(b); S.I. 1994/3075, art. 2, **Sch.**

**F82** Definition of “police regulations” in s. 38(5) repealed (1.1.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3075, art. 2, **Sch.**

### [<sup>F83</sup>38A Constables engaged on service outside their force.

(1) For the purposes of this section “relevant service” means—

- (a) temporary service on which a person is engaged in accordance with arrangements made under section 12A(2) of this Act,
- (b) central service (as defined by section 38(5) of this Act) on which a person is engaged with the consent of the appropriate authority,

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- (c) service the expenses of which are payable under section 1(1) of the <sup>M21</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
  - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
  - (e) service pursuant to an appointment under section 10 of the <sup>M22</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 38 of this Act.
- (3) Subject to subsections (4) to (7) of this section, a constable of a police force engaged on relevant service shall be treated as if he were not a constable of that force during that service; but except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M23</sup>Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
  - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 26 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) of this section to regulations made under the <sup>M24</sup>Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M25</sup>Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
  - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A constable who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section,
  - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations under section 1 of the <sup>M26</sup>Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
  - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (2A) of section 26 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 30 of this Act shall apply accordingly.

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- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
  - (b) in a case within paragraph (c) of that subsection it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.]

#### Textual Amendments

**F83** S. 38A inserted (1.4.1995) by 1994 c. 29, ss. 60, 94(3)(c); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

#### Marginal Citations

**M21** 1945 c. 17.

**M22** 1980 c. 63.

**M23** 1976 c. 35.

**M24** 1976 c. 35.

**M25** 1945 c. 17.

**M26** 1945 c. 17.

## PART III

### MISCELLANEOUS AND GENERAL

#### *Remedies and complaints against police*

#### **39 Liability for wrongful acts of constables.**

- (1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.
- (2) The police authority shall pay—
- (a) any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required in connection with the settlement of any claim made against the chief constable of a police force by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief constable for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief constable; and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.



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- (4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of the police force maintained for their area, or any constable for the time being required to serve with that force by virtue of section 11 of this Act [<sup>F84</sup>or section 141 of the Criminal Justice and Public Order Act 1994], in proceedings arising from any wrongful act or omission on the part of that constable, any expenses incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

#### Textual Amendments

**F84** Words in s. 39(4) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 17**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix B (which insertion fell (22.8.1996) by reason of the repeal of 1994 c. 33, **Sch. 10 para. 17** (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**)

#### 40 Information as to manner of dealing with complaints.

Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against constables are dealt with by the chief constable.

#### Modifications etc. (not altering text)

**C14** S. 40 power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

VALID FROM 01/08/1996

#### [40A] <sup>F85</sup> Examination of handling of complaints against constables.

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A)(a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—



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- (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
  - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—
- (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
  - (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them,
- a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.]

#### Textual Amendments

**F85** S. 40A inserted (1.8.1996) by 1994 c. 29, s. 61; S.I. 1996/1646, art. 2, Sch. (with art. 3)

#### Modifications etc. (not altering text)

**C15** S. 40A power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

### *Offences and legal proceedings*

#### **41 Assaults on constables, etc.**

- (1) Any person who—
- (a) assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or a person assisting a constable in the execution of his duty, or
  - (b) rescues or attempts to rescue, or assists or attempts to assist the escape of, any person in custody,
- shall be guilty of an offence and on summary conviction shall be liable—
- (i) where he has not, within the period of two years immediately preceding the commission of the said offence, been convicted of an offence against this section, to a fine not exceeding [<sup>F86</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
  - (ii) where he has, within the first-mentioned period, been convicted of an offence against this section, to imprisonment for a period not exceeding nine months [<sup>F87</sup>or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, or to both.]
- (2) The reference in subsection (1) of this section to a person in custody shall be construed as a reference to a person—
- (a) who is in the lawful custody of a constable or any person assisting a constable in the execution of his duty, or
  - (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

[<sup>F88</sup>(3) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.]

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### Textual Amendments

- F86** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\)](#), [Sch. 2 Pt. II](#) it is provided (1.4.1996) that s. 41(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50
- F87** Words added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [s. 57](#)
- F88** [S. 41\(3\)](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(2\)](#), [Sch. 10 para. 18](#); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1 Appendix B](#)

## 42 Causing disaffection.

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the constables of any police force, or who induces, or attempts to induce, or does any act calculated to induce, any constable to withhold his services or to commit breaches of discipline, shall be guilty of an offence, and shall be liable—
- (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
  - (b) on conviction on indictment, to imprisonment for a period not exceeding two years.
- (2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable.

## 43 Impersonation, etc.

- (1) Subject to the provisions of this section, any person who—
- (a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or
  - (b) wears any article of police uniform without the permission of the police authority for the police area in which he is, or
  - (c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof.
- shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding [<sup>F89</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months.
- (2) Nothing in subsection (1) of this section shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast.
- (3) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark usually issued by any police authority to constables, or any article having the appearance of such article, badge or mark.

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#### Textual Amendments

**F89** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 7D](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt. III](#) it is provided (1.4.1996) that s. 43(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale or 3 months instead of a fine not exceeding £50

#### 44 Offences by constables.

- (1) Any constable who wilfully absents himself from duty otherwise than in accordance with regulations made under Part II of this Act shall be guilty of an offence.
- (2) Any constable who neglects or violates his duty shall be guilty of an offence.
- (3) Any constable who fails without reasonable excuse to return to his chief constable (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so, any accoutrements or clothing which have been issued to him for the execution of his duty shall be guilty of an offence.
- (4) Any person who has been a constable of a police force and has failed without reasonable excuse to return to the chief constable of that force (or other person appointed by the chief constable for the purpose), when he ceased to be a constable of the force, any accoutrements or clothing which were issued to him for the execution of his duty shall be guilty of an offence.
- (5) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding [<sup>F90</sup>level 3 on the standard scale] or to imprisonment for a period not exceeding sixty days.

#### Textual Amendments

**F90** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 7D](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt. III](#) it is provided (1.4.1996) that s. 44(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 3 on the standard scale or 60 days instead of a fine not exceeding £10

#### 45 Warrant to search for police accoutrements and clothing.

If a sheriff, [<sup>F91</sup>or justice of the peace] is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, he may grant a warrant to any constable named therein to enter and search the said premises or place at any reasonable hour, if necessary by force, and to seize and detain any of the said accoutrements or clothing which he may find therein.

#### Textual Amendments

**F91** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [Sch. 1 para. 32](#)

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### Miscellaneous

#### 46 Rewards.

- (1) Subject to the provisions of this section, on the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—
- (a) to any constable (other than the chief constable) of the police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or
  - (b) to any constable (other than the chief constable) of another police force who, while serving with the first-mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements, has in their opinion conducted himself in the performance of his duty with exceptional merit, or
  - (c) to any person who in their opinion has substantially contributed to the fulfilment of the functions of the police force.
- (2) . . . . . <sup>F92</sup>

#### Textual Amendments

**F92** S. 46(2) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), ss. 25, 41, [Sch. 2 para. 13](#) and Sch. 4

#### 47 Criminal statistics.

- (1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force is maintained, showing for [<sup>F93</sup>such period as the Secretary of State may specify in the direction]—
- (a) the number of offences reported to the police;
  - (b) the number of persons taken into custody by the police;
  - (c) the nature of the charges made against such persons respectively;
  - (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings;
  - (e) such further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.
- [<sup>F94</sup>(2) The Secretary of State shall prepare such reports as he considers appropriate from such statements as he receives by virtue of subsection (1) above; and he shall lay any such report before Parliament and send a copy of it to each police authority.]
- (3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—
- (a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and
  - (b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may be available to the clerk and necessary for the purpose.

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### Textual Amendments

**F93** Words in s. 47(1) substituted (1.1.1995) by 1994 c. 29, s. 62(a); S.I. 1994/3075, art. 2, Sch.

**F94** S. 47(2) substituted (1.1.1995) by 1994 c. 29, s. 62(b); S.I. 1994/3075, art. 2, Sch.

### Supplemental

#### 48 Regulations, rules and orders.

- (1) The Secretary of State shall have power to make regulations prescribing anything which may be prescribed under this Act (except Schedule 3 thereto).
- (2) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.
- (3) Any power conferred by this Act to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

#### 49 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Secretary of State under this Act; and
  - (b) any increase attributable to this Act in the sums payable out of moneys so provided under any enactment.
- (2) Any sums which by virtue of any provision of this Act are received by the Secretary of State from police authorities or joint police committees, or deducted by him from moneys otherwise payable by him to any such authority or committee, shall be paid into the Exchequer.

#### 50 Meaning of “police area”, etc.

Except where the context otherwise requires, in this Act . . . <sup>F95</sup>

- (a) “police area” or “police district” means a police area within the meaning of section 1(2) of this Act as read with section 19(9)(a) thereof, and “combined area” means the area consisting of the police areas combined by an amalgamation scheme;
- (b) “police authority” has the meaning assigned to it by section 2(1) of this Act as read with section 19(9)(b) thereof;
- (c) “police force” means a police force maintained under this Act for a police area or a combined area;
- (d) any reference—
  - (i) to the chief officer of a police force shall be construed as a reference to the chief constable of that force;
  - (ii) to the chief constable or chief officer of police of, or appointed for, any area or district shall be construed as a reference to the chief constable of the police force maintained for the police area comprising that area or district;

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and any reference to the chief constable, or chief officer, of a police force shall be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence of the chief constable from duty, is responsible for performing the functions of that office;

- (e) references to payments into or out of the police fund shall be construed as references to payments to or by the police authority.

#### Textual Amendments

**F95** Words repealed by Interpretation Act 1978 (c. 30), Sch. 3

### 51 General interpretation.

- (1) In this Act unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

“amalgamation scheme” means a scheme made under section 19 [F96section 20 or section 21A] of this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme;

..... F97

“constable” means a constable (including the chief constable) of a police force; F98 . . .

“constituent authority” means a police authority which is a party to an amalgamation scheme;

“enactment” includes an order, regulation, rule, or other instrument having effect by virtue of an Act;

“functions” includes powers and duties;

“Joint Central Committee” means the three central committees of the Police Federation for Scotland sitting together as a joint committee;

“land” includes land covered by water;

“officer” includes “servant”;

“prescribe” (except in Schedule 3 to this Act) means prescribe by regulations made under this Act, and “prescribed” shall be construed accordingly;

“rank” means a rank prescribed under section 7 of this Act.

- (2) ..... F99

- (3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.[F100(3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.]

- (4) Except where the context otherwise requires, in this Act . . . F101 any reference to a constable (other than the chief constable) of, or appointed for, any area or district shall be construed as a reference to a constable (other than the chief constable) of the police force maintained for the police area comprising that area or district.

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- (5) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.
- (6) Without prejudice to the provisions of section 52 of this Act, in this Act the expression “under this Act”, and any other expression describing any matter or thing by reference to this Act or to any provision of this Act, shall, if and so far as the context permits, be construed as including a reference to any enactment repealed by this Act or by the <sup>M27</sup>Police (Scotland) Act 1956 or by the <sup>M28</sup>Police Act 1964 or to the corresponding provision of any enactment so repealed.

#### Textual Amendments

- F96** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(9\)](#)
- F97** Definition of “burgh” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F98** Definitions of “regular constable”, “special constable” and “temporary constable” in s. 51(1) repealed (13.12.1995) by [1994 c. 29, ss. 63\(9\)\(a\), 93, Sch. 9 Pt. I; S.I. 1995/3003, art. 2, Sch.](#)
- F99** [S. 51\(2\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), Sch. 29](#)
- F100** [S. 51\(3A\)](#) inserted (1.1.1995) by [1994 c. 29, s. 63\(9\)\(b\); S.I. 1994/3075, art. 2, Sch.](#)
- F101** Words repealed by [Interpretation Act 1978 \(c. 30\), Sch. 3](#)

#### Marginal Citations

- M27** [1956 c. 26.](#)
- M28** [1964 c. 48.](#)

## 52 Consequential amendments, repeals and savings.

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act :

Provided that the amendments of section 5(5)(a) of the <sup>M29</sup>Homicide Act 1957 contained in the said Schedule shall have effect only on the reviver of that Act by virtue of section 4 of the <sup>M30</sup>Murder (Abolition of Death Penalty) Act 1965.

- (2) The enactments mentioned in Schedule 5 to this Act, of which those in Part II of that Schedule are spent or are superseded by the provisions of subsequent enactments, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (3) Nothing in this Act shall affect any order, regulation, rule, scheme, agreement or appointment made, or direction given, or any other thing done, under any enactment repealed by this Act or by the <sup>M31</sup>Police (Scotland) Act 1956 or by the <sup>M32</sup>Police Act 1964, but any such order, regulation, rule, scheme, agreement, appointment, direction or thing shall, if and so far as it is in force at the commencement of this Act, continue in force so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect, and be treated, as if it had been made, given or done under that corresponding provision.
- (4) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred before the commencement of this Act under any enactment.



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- (5) Where a constable of a police force, with the consent of the chief constable, has undertaken temporary service as a member of the instructing staff of any central training institution established under section 29(1) of the <sup>M33</sup>Police (Scotland) Act 1956 (central training and other common services), so much of that service as fell before 1st August 1964 shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force.
- (6) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, an offence committed by that person against the corresponding provision of any enactment repealed by this Act shall be deemed to have been committed against the first-mentioned provision.
- (7) So much of any enactment or other document as refers expressly or by implication to any enactment repealed by this Act or by the <sup>M34</sup>Police (Scotland) 1956 or by the <sup>M35</sup>Police Act 1964 shall, in so far as the context permits and as may be necessary to preserve the effect of the first-mentioned enactment or other document, be construed as referring, or (as the case may require) as including a reference, to this Act or the corresponding enactment therein.
- (8) Nothing in this section or in section 51 of this Act, and nothing in Schedule 4 to this Act, shall be taken as affecting the general application of [F102sections 16(1) and 17(2) (a) of the <sup>M36</sup>Interpretation Act 1978] with regard to the effect of repeals.

#### Textual Amendments

**F102** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

#### Modifications etc. (not altering text)

**C16** The text of s. 52(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M29** 1957 c. 11  
**M30** 1965 c. 71.  
**M31** 1956 c. 26.  
**M32** 1964 c. 48.  
**M33** 1956 c. 26.  
**M34** 1956 c. 26.  
**M35** 1964 c. 48.  
**M36** 1978 c. 30.

### 53 Short title, extent and commencement.

- (1) This Act may be cited as the Police (Scotland) Act 1967.
- (2) The following provisions of this Act shall extend to the whole of Great Britain, namely, section 18; section 52(1) and Schedule 4, so far as they relate to enactments which so extend; and section 52(2) and Schedule 5, so far as they relate to section 5 of the



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<sup>M37</sup>Police (Scotland) Act 1956 and to the <sup>M38</sup>Police Act 1964; but save as aforesaid this Act shall extend to Scotland only.

- (3) This Act (except section 39 thereof) shall come into force at the expiration of a period of three months beginning with the date on which it is passed; and section 39 of this Act shall come into force on such date as the Secretary of State may by order appoint, and the order may be made with retrospective effect to any date specified in the order not being earlier than 10th June 1964.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (except section 39 thereof) comes into force.

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**Modifications etc. (not altering text)**

**C17** 1.1.1970 appointed under s. 53(3) by [S.I. 1969/1796](#)

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**Marginal Citations**

**M37** 1956 c. 26.

**M38** 1964 c. 48.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed).