



# Police (Scotland) Act 1967 (repealed)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 [<sup>F2</sup>for every local government 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\(2\)](#)

**F2** Words in s. 1(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 71\(2\)](#); S.I. 1996/323, [arts. 4\(1\)\(b\)\(c\)](#)

#### 2 Police authorities and their functions.

(1) [<sup>F3</sup>For every police area the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 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>F4</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**

**F3** Words in s. 2(1) substituted (1.4.1996) by 1994 c. 29, s. 180(1), **Sch. 13 para. 71(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**

**F4** Words repealed by **Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2)**, Sch. 2 para. 12, **Sch. 4**

**[3] <sup>F5</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**

**F5** 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>F6</sup>
- (4) Subject to the following provisions of this section, a person appointed to the office of chief constable of a police force—

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- (a) may resign his appointment in accordance with regulations made under Part II of this Act; or
- (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>M1</sup>[<sup>F7</sup>Police Pensions Act 1976] (police pension regulations).

#### Textual Amendments

- F6** S. 4(3) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 29](#)  
**F7** Words substituted by virtue of [Police Pensions Act 1976 \(c. 35\)](#), [s. 12\(3\)](#)

#### Marginal Citations

- M1** [1976 c. 35](#).

### [5] <sup>F8</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

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- (b) during any vacancy in the office of chief constable.
- (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

- F8** 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.**; 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.

<sup>F11</sup>(2) .....

#### Textual Amendments

- F11** S. 6(2) repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), **Sch. 1** para. 2(2), **Sch.3**; S.I. 1997/1712, art. 3, **Sch.**

## 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 [<sup>F15</sup>made in accordance with section 26(2A) 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)
- 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.**
- F15** Words in s. 7(3) substituted (1.8.1996) by 1994 c. 29, s. 63(3); S.I. 1996/1646, art. 2, **Sch.** (with art. 3)

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## 8 Police cadets.

- (1) The chief constable of any police force may, in accordance with regulations made under Part II of this Act <sup>F16</sup> . . . , 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.

### Textual Amendments

**F16** Words in s. 8(1) repealed (1.4.1996) by 1994 c. 29, ss. 47(3), 93, **Sch. 9 Pt. I**; S.I. 1995/492, art. 3, **Sch. 2** (with art. 4)

## [9] <sup>F17</sup> Civilian employees.

- (1) A police authority may
  - <sup>F18</sup>(a) [ employ for the assistance of the constables of a police force maintained for their area, or otherwise to enable the authority to discharge their functions, officers who are not constables][<sup>F19</sup>; or]
  - <sup>F19</sup>(b) [ appoint for such purposes as such officers persons provided under a contract for services entered into by the authority with some other person].
- <sup>F20</sup>(1A) [ The category of persons—
  - (a) so employed or appointed; and
  - (b) in respect of each of whom there is for the time being a certificate in force, certifying that he has been approved by the chief constable for the purposes of performing functions in relation to custody and security and is accordingly authorised to perform them for the police force,shall be known as the police authority’s “ police custody and security officers ”.
- (1B) Without prejudice to powers or duties which a police custody and security officer may have under or by virtue of any other enactment, for the purposes of the functions which he is authorised to perform by virtue of subsection (1A)(b) above, any such officer shall have the powers mentioned in subsection (1C) below and the duties mentioned in subsection (1E) below; except that no officer provided as is mentioned in subsection (1)(b) above shall have those powers and duties in the premises of any court or in land connected with such premises.
- (1C) The powers are—
  - (a) to transfer persons in legal custody from one set of relevant premises to another;
  - (b) to have custody of persons held in legal custody on court premises (whether or not such persons would otherwise be in the custody of the court) and to produce them before the court;

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- (c) to have custody of persons temporarily held in legal custody in relevant premises while in the course of transfer from one set of such premises to another;
- (d) to apprehend a person who was in the custody of the officer in relevant premises or in such course of transfer but who is unlawfully at large;
- (e) to remove from relevant premises any person—
  - (i) who he has reasonable grounds to believe has committed or is committing an offence; or
  - (ii) who is causing a disturbance or nuisance;
- (f) in any place to search any person who is in legal custody or is unlawfully at large;
- (g) in relevant premises, or in any other place in which a person in his custody who is being transferred from one set of relevant premises to another is present, to search (any or all)—
  - (i) property;
  - (ii) any person who he has reasonable grounds to believe has committed or is committing an offence;
  - (iii) any person who is seeking access to a person in the officer’s custody or to relevant premises;
- (h) in relevant premises, or in any other place in which a person in legal custody is or may be, to require any person who he has reasonable grounds for suspecting has committed or is committing an offence to give his name and address and either—
  - (i) to remain there with the officer until the arrival of a constable; or
  - (ii) where reasonable in all the circumstances, to go with the officer to the nearest police station,
 but only if before imposing any such requirement on a person the officer informs him of the nature of the suspected offence and of the reason for the requirement;
- (i) in fulfilment of his duties under subsection (1E)(d) below, to apprehend any person and to detain that person in custody in the premises of the court in question;
- (j) at a constable’s direction, to photograph, or take relevant physical data from, any person held in legal custody; and
- (k) to use reasonable force (which may include the use of handcuffs and other means of restraint) where and in so far as it is requisite to do so in exercising any of the other powers.

(1D) In subsection (1C) above—

“ legal custody ” has the meaning given by section 295 of the Criminal Procedure (Scotland) Act 1995 (c. 46);

“ relevant physical data ” has the meaning given by section 18(7A) of that Act; and

“ relevant premises ” means—

- (a) the premises of any court, prison, police station or hospital (within the meaning of the Mental Health (Scotland) Act 1984 (c. 36)); or
- (b) the premises of any other place from or to which a person may be required to be taken under that Act of 1984 or that Act of 1995,

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and either (but not both) of the sets of premises mentioned in any of paragraphs (a), (c) and (g) of that subsection may be situated in a part of the British Islands outwith Scotland.

(1E) The duties are—

- (a) to attend to the well-being of persons in their custody;
- (b) to prevent the escape of such persons from their custody;
- (c) to prevent, or detect and report on, the commission or attempted commission by such persons of other unlawful acts;
- (d) to act with a view to preserving good order in the premises of any court and in land connected with such premises;
- (e) to ensure good order and discipline on the part of such persons (whether or not in the premises of any court or in land connected with such premises); and
- (f) to give effect to any order of a court.

(1F) A police custody and security officer is not to be regarded as acting in accordance with those powers and duties at any time when not readily identifiable as such an officer (whether or not by means of a uniform or badge worn).]

(2) The police authority shall exercise their powers under section 56 (and section 63) of the <sup>M2</sup>Local Government (Scotland) Act 1973 so as to secure that, subject to subsection (3) below, any person employed [<sup>F21</sup>, or appointed,] by the authority under subsection (1) above is under the direction and control of the chief constable of the police force.

(3) Subsection (2) above shall not apply to such of the persons employed [<sup>F22</sup>, or appointed,] by the authority [<sup>F23</sup>(not being police custody and security officers)] as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.

(4) The powers of direction and control referred to in subsection (2) above include the powers of engagement and dismissal.]

#### Textual Amendments

- F17** S. 9 substituted (1.4.1996) by 1994 c. 29, s. 49; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F18** Words in s. 9(1) renumbered as s. 9(1)(a) (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(a), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F19** S. 9(1)(b) and word inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(a), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F20** S. 9(1A)-(1F) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(b), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F21** Words in s. 9(2) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(c), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F22** Words in s. 9(3) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(d)(i), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F23** Words in s. 9(3) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(2)(d)(ii), 89(2); S.S.I. 2003/288, art. 2, Sch.

#### Marginal Citations

- M2** 1973 c. 65.

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## **[<sup>F24</sup>9A Certification of police custody and security officers**

- (1) A chief constable may, on the application of any person employed or appointed by his police authority, issue in respect of that person a certificate such as is mentioned in section 9(1A)(b) of this Act.
- (2) The chief constable shall not do so unless satisfied that the applicant—
  - (a) is a fit and proper person to perform for the police force the functions of a police custody and security officer; and
  - (b) has received training to such standard as the chief constable considers appropriate for the performance of those functions.
- (3) A certificate so issued shall, subject to any suspension under paragraph (a) of subsection (4) below or revocation under paragraph (b) of that subsection, continue in force until such date or occurrence as may be specified in the certificate.
- (4) If at any time it appears to the chief constable that the person in respect of whom the certificate has been issued—
  - (a) may not be a fit and proper person to perform the functions of a police custody and security officer he may suspend (pending his consideration of whether to proceed under paragraph (b) of this subsection);
  - (b) is not a fit and proper person to perform those functions he may revoke, the certificate and such authorisation as it confers.

### **Textual Amendments**

**F24** Ss. 9A, 9B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(3)**, 89(2); [S.S.I. 2003/288, art. 2, Sch.](#)

## **9B False statements in relation to certification**

A person who, for the purpose of obtaining a certificate such as is mentioned in section 9(1A)(b) of this Act for himself or any other person—

- (a) makes a statement which he knows to be; or
- (b) recklessly makes a statement which is,

false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

### **Textual Amendments**

**F24** Ss. 9A, 9B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(3)**, 89(2); [S.S.I. 2003/288, art. 2, Sch.](#)

## **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>M3</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.



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- (2) For the purposes of subsection (1) of this section and of <sup>F25</sup>sections 70 to 78 of the <sup>M4</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

**F25** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 237\(2\)](#)

#### Marginal Citations

**M3** 1947 c. 42.

**M4** 1973 c. 65.

### *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 <sup>F26</sup>appropriate Minister or Ministers] 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 <sup>F26</sup>or they] 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 <sup>F27</sup>appropriate Ministers].
- <sup>F28</sup>(5) This section shall apply in relation to the Strategic Rail Authority and the British Transport Police Force as it applies to a police authority and a police force respectively.
- (6) In subsection (2) “appropriate Minister or Ministers” means—
- in relation to a direction given to the Chief Constable of the British Transport Police Force, the Secretary of State, and
  - in any other case, the Scottish Ministers.

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- (7) In subsection (4) “appropriate Ministers” means—
- (a) where the police authorities concerned include the Strategic Rail Authority, the Scottish Ministers and the Secretary of State, acting jointly, and
  - (b) in any other case, the Scottish Ministers.]

#### Textual Amendments

- F26** Words in s. 11(2) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(2)**; S.I. 2001/4104, **art. 2(d)**
- F27** Words in s. 11(4) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(3)**; S.I. 2001/4104, **art. 2(d)**
- F28** S. 11(5)-(7) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(4)**; S.I. 2001/4104, **art. 2(d)**

## 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 [<sup>F29</sup>Scottish Ministers].
- (4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.
- [<sup>F30</sup>(5) If it appears to the Scottish Ministers that an agreement should be made for the purposes specified in subsection (1), (2) or (4) of this section, they 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.
- (6) For the purposes of this section—
  - (a) the British Transport Police Force shall be treated as if it were a police force;
  - (b) “police functions” shall include the functions of the British Transport Police Force;
  - (c) the British Transport Police Committee shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1) and (2) of this section and the Strategic Rail Authority shall be so treated for the purposes of subsection (3) of this section; and
  - (d) “police area”, in relation to the British Transport Police Force and the British Transport Police Committee, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4) of the British Transport Commission Act 1949 (c. xxix).
- (7) In relation to agreements relating to the British Transport Police Force, any determination under subsection (3) shall be made, and any directions under

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subsection (5) shall be given, by the Scottish Ministers and the Secretary of State, acting jointly.]

#### Textual Amendments

- F29** Words in s. 12(3) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 3(2)**; S.I. 2001/4104, **art. 2(d)**
- F30** S. 12(5)-(7) substituted (7.1.2002) for s. 12(5) by 2001 c. 24, s. 101, **Sch. 7 para. 3(3)**; S.I. 2001/4104, **art. 2(d)**

#### [12A <sup>F31</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>M5</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M6</sup>Overseas Development and Co-operation Act 1980.]

#### Textual Amendments

- F31** S. 12A inserted (21.7.1994) by 1994 c. 29, **ss. 50, 94(3)(b)**

#### Marginal Citations

- M5** 1945 c. 17.  
**M6** 1980 c. 63.

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*Status: Point in time view as at 27/06/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

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### 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.

### 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>F32</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 [<sup>F33</sup>sheriff 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 [<sup>F33</sup>sheriff principal] does not include a [<sup>F33</sup>sheriff].

#### Textual Amendments

**F32** 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.**

**F33** 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 [<sup>F34</sup>July] in each year submit to the police authority a [<sup>F35</sup>report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects,] the policing, during the [<sup>F36</sup>twelve 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.

*Status: Point in time view as at 27/06/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

- (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 [<sup>F37</sup>sheriff principal] having jurisdiction in any part of the area . . . <sup>F38</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 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>F38</sup> to any [<sup>F37</sup>sheriff principal] a report on matters which are not connected with the policing, . . . <sup>F38</sup> of places in which the [<sup>F37</sup>sheriff principal] has jurisdiction.
- (6) In this section [<sup>F37</sup>sheriff principal] does not include a [<sup>F37</sup>sheriff].

#### Textual Amendments

- F34** 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))
- F35** Words in s. 15(1) substituted (1.1.1995) by 1994 c. 29, s. 51(b); S.I. 1994/3075, art. 2, Sch.
- F36** 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))
- F37** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F38** 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>F39</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

- F39** 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—

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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

- (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>F40</sup>or justice of the peace], being a warrant, citation, deliverance or process relating to any criminal proceeding;
- (d) to attend any court of law for the purpose of giving evidence;

and without prejudice to the operation of <sup>F41</sup>section 135(3) and (4) of the <sup>M7</sup>Criminal Procedure (Scotland) Act 1995] (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) ..... <sup>F42</sup>
  - (b) ..... <sup>F43</sup> from the [<sup>F44</sup>sheriff 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 [<sup>F44</sup>sheriff principal] does not include a [<sup>F44</sup>sheriff].

- (4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland <sup>F45</sup>and (without prejudice to section 1(2) of this Act) the adjacent United Kingdom waters].

<sup>F46</sup>(4A) A member of the British Transport Police Force who is for the time being required by virtue of section 11 or 12 of this Act to serve with a police force shall—

- (a) have all the powers and privileges of a constable of that police force, and
- (b) be subject to the direction of the chief constable of that force.]

- (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) ..... <sup>F47</sup>

- (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

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agreements [<sup>F48</sup>or of section 98 of the <sup>M8</sup>Police Act 1996 (cross-border aid of one police force by another)], with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force [<sup>F49</sup>or, if he is serving with the British Transport Police Force, the Chief Constable of that Force], and

- (b) in any other case, the chief constable of the police force in which the constable holds his appointment.

[<sup>F50</sup>(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.

#### Textual Amendments

- F40** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 30](#)
- F41** Words in s. 17(1) substituted (1.8.1997) by virtue of 1997 c. 48, s. 62(1), [Sch. 1 para. 2\(3\)\(a\)](#); S.I. 1997/1712, art. 3, [Sch.](#)
- F42** S. 17(3)(a) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F43** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F44** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)
- F45** Words in s. 17(4) inserted (3.2.1995) by 1994 c. 33, s. 160(2)(a); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F46** S. 17(4A) inserted (7.1.2002) by 2001 c. 24, s. 101, [Sch. 7 para. 4\(2\)](#); S.I. 2001/4104, art. 2(d)
- F47** S. 17(6) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 110, Sch. 7 Pt. VI](#)
- F48** Words in s. 7(7)(a) inserted (1.8.1997) by 1997 c. 48, s. 62(1), [Sch. 1 para. 2\(3\)\(b\)](#); S.I. 1997/1712, art. 3, [Sch.](#)
- F49** Words in s. 17(7)(a) inserted (7.1.2002) by 2001 c. 24, s. 101, [Sch. 7 para. 4\(3\)](#); S.I. 2001/4104, art. 2(d)
- F50** S. 17(7A) inserted (3.2.1995) by 1994 c. 33, s. 160(2)(b); S.I. 1995/127, art. 2(1), [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. 90, 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\(3\)](#)  
S. 17(2) excluded (1.4.1998) by 1997 c. 50, s. 23(5); S.I. 1998/354, art. 2(1)(2)(j)

#### Marginal Citations

- M7** 1995 c.46.  
**M8** 1996 c.16.

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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part 1. (See end of Document for details)*

### Textual Amendments

**F51** 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 [<sup>F52</sup>joint police board] consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme;
  - (c) the delegation to the [<sup>F52</sup>joint police board] of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their 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 [<sup>F53</sup>which the joint police board estimates will be incurred,] in the performance of the functions delegated to them;
  - <sup>F54</sup>(e) arrangements for the carry-forward from one financial year (the “carry-forward year”) to the next by the joint police board of any money received by the board in respect of the carry-forward year from the constituent authorities under provision made under paragraph (d) above and remaining unspent at the end of the carry-forward year.]
  - (e) . . . <sup>F55</sup>
- (3) The reference in subsection (2)(d) of this section to the expenditure [<sup>F56</sup>which the joint police board estimates will be incurred] is a reference to so much of the net [<sup>F57</sup>estimated] expenditure of the [<sup>F58</sup>board] as is not [<sup>F59</sup>provided for by a grant made to the board under section 32 of this Act].

<sup>F60</sup>(3A) Provision made under subsection (2)(e) above shall secure—

- (a) that the money carried forward by the joint police board shall not exceed three per cent. of the total of the money paid to the board by the constituent authorities in respect of the carry-forward year; and
- (b) that, in the case mentioned in subsection (3B) below, money shall be carried forward only with the consent of the Scottish Ministers.



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- (3B) The case is where—
- (a) any money carried forward from previous carry-forward years—
    - (i) by virtue of arrangements such as are mentioned in subsection (2)(e) above; and
    - (ii) under section 32(10A) of this Act, and remaining unspent at the end of the carry-forward year;
  - (b) the money carried forward by virtue of arrangements such as are mentioned in that subsection; and
  - (c) any money carried forward under that section,
- would, taken together, amount to more than the maximum sum.
- (3C) In subsection (3B) above, “maximum sum”, in relation to a carry-forward year, means the amount equal to five per cent. of the sum of—
- (a) the total amount of grant made under section 32 of this Act to the joint police board in respect of that year; and
  - (b) the total amount of money paid to the board by the constituent authorities in respect of that year.
- (3D) The Scottish Ministers may, by order, substitute for the percentage mentioned in—
- (a) subsection (3A)(a) above; or
  - (b) subsection (3C) above,
- such other percentage as they think fit.
- (3E) An order under subsection (3D) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (3F) Paragraphs (d) and (e) of subsection (2) above are not to be taken as preventing the carrying forward of any money, being money already carried forward to a financial year under arrangements made under subsection (2)(e) above and remaining unspent at the end of that year, from that year to the next year and, if it remains unspent at the end of that next year, to the following year, and so on.]
- (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 [<sup>F52</sup>joint police board] 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.
- <sup>F61</sup>(5) .....
- (6) The expenses incurred by a constituent authority for the purpose of the payment to the [<sup>F52</sup>joint police board] 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

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functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.

- (7) [<sup>F62</sup>For the purposes of the <sup>M9</sup>Local Government Superannuation (Scotland) Regulations 1974] the appropriate superannuation fund in relation to the [<sup>F62</sup>pensionable employees] of a [<sup>F52</sup>joint police board] 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 for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the [<sup>F52</sup>joint police board] by or under the amalgamation scheme.
- [<sup>F63</sup>(10) 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

- F52** words in s. 19(2)(b)(c)(d)(3)(4)(d)(6)(7)(9)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F53** Words in s. 19(2)(d) substituted (11.3.2002) by 2001 asp 15, **s. 1(1)(a)(i)**; S.S.I. 2002/84, **art. 2**
- F54** S. 19(2)(e) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(a)(ii)**; S.S.I. 2002/84, **art. 2**
- F55** S. 19(2)(e) repealed by **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**
- F56** Words in s. 19(3) substituted (11.3.2002) by 2001 asp 15, **s. 1(1)(b)**; S.S.I. 2002/84, **art. 2**
- F57** Words in s. 19(3) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(b)**; S.S.I. 2002/84, **art. 2**
- F58** Words in s. 19(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F59** Words in s. 19(3) substituted (1.4.1996) by 1994 c. 39, s. 62(1), **Sch. 1 para. 2(4)**; S.I. 1997/1712, **art. 3, Sch.**
- F60** S. 19(3A)-(3F) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(c)**; S.S.I. 2002/84, **art. 2**
- F61** S. 19(5) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 71(5)(c), Sch. 14**; S.I. 1994/323, **art. 4(1)(b)(c)(d)**
- F62** Words substituted by S.I. 1974/812, **Sch. 16 Pt. I para. 4**
- F63** S. 19(10) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(d)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Marginal Citations

- M9** S.I. 1974/812

*Status: Point in time view as at 27/06/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

**[19A] <sup>F64</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**

**F64** 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] <sup>F65</sup>Power of Secretary of State to make amalgamation schemes.**

- (1) If it appears to the Secretary of State that it is expedient in the interests of efficiency to make an amalgamation scheme for any police areas, he may, in accordance with the provisions of this section, make such amalgamation schemes, containing such provisions, as he considers appropriate.
- (2) Without prejudice to the generality of subsection (1) above, but subject to section 19A of this Act, an amalgamation scheme under this section may provide—
  - (a) for the amalgamation of any two or more police areas into a combined area;
  - (b) for the alteration of an existing combined area by the addition to or deletion from it of any police area;
  - (c) for the establishment or re-establishment and maintenance of police forces for any police area or combined area resulting from the scheme;
  - (d) for the dissolution and winding up of any joint police board constituted under a pre-existing amalgamation scheme, or for the reconstitution of any such board;
  - (e) for the transfer or retransfer to such police forces as may be determined by the scheme of constables affected by the scheme;
  - (f) for the transfer or retransfer to such authorities as may be determined by the scheme of any officers, property, rights or liabilities affected by the scheme;
  - (g) for the doing of anything which is required to be done, or which may be done, in an amalgamation scheme made under section 19 of this Act; and
  - (h) for any other matters incidental to or consequential on the provisions of the scheme.
- (3) Before making a scheme under this section which contains provision such as is mentioned in subsection (2)(a) or (b) above 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.
- (4) A scheme under this section shall be contained in an order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

### Textual Amendments

**F65** S. 20 substituted (1.4.1996) by 1994 c. 39, s. 35 (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), Sch. 1

## 21 Amendment and revocation of amalgamation scheme.

- [<sup>F66</sup>(1) An amalgamation scheme may be amended or revoked—
- (a) in the case of a scheme made under section 19 of this Act, by a subsequent scheme made under that section or under section 20 of this Act; and
  - (b) in the case of a scheme made under section 20 or 21B of this Act, by a subsequent scheme made under 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—
- (a) 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 [<sup>F67</sup>or for the creation of any new combination of police areas;]
  - (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid;
  - (c) for the dissolution and winding up of any [<sup>F68</sup>joint police board] constituted under the original scheme, or for the reconstitution of any [<sup>F69</sup>such police board];
  - (d) 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;
  - (e) 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 [<sup>F68</sup>joint police board];
  - (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

### Textual Amendments

**F66** Paras. (a)(b) and words substituted for words in s. 21(1) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(7)(a); S.I. 1996/323, art. 4(1)(b)(c)

**F67** Words in s. 21(2)(a) inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(7)(b); S.I. 1996/323, art. 4(1)(b)(c)

**F68** Words in s. 21(2)(c)(e) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(7)(c); S.I. 1996/323, art. 4(1)(b)(c)

**F69** Words in s. 21(2)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(7)(d); S.I. 1996/323, art. 4(1)(b)(c)

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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Part I. (See end of Document for details)*

<sup>F70</sup> 21A .....

**Textual Amendments**

**F70** S. 21A repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

**[21B** <sup>F71</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 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—

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- (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**

**F71** 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

## **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 [<sup>F72</sup>joint police board], 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 [<sup>F72</sup>joint police board] 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 [<sup>F72</sup>joint police board] 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>M10</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.

*Status: Point in time view as at 27/06/2003.*

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#### Textual Amendments

**F72** Words in s. 22(1)(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(8)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Marginal Citations

**M10** 1947 c. 43.

### [<sup>F73</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>F74</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.

(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>F75</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>F76</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>M11</sup>Superannuation Act 1972 or section 219 of the <sup>M12</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>F77M13</sup>Police Pensions Act 1976] had the first-mentioned police force been combined with another force by an amalgamation scheme under the <sup>M14</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>F77M15</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.

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- (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 [<sup>F78</sup>joint police board] 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

- F73** S. 23 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(8\)](#)
- F74** 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)
- F75** 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)
- F76** 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)
- F77** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 6\(b\)](#)
- F78** Words in the definition of “relevant authority” in s. 23(6) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 71\(9\)](#); S.I. 1996/323, art. 4(1)(b)(c)

#### Marginal Citations

- M11** 1972 c. 11.
- M12** 1973 c. 65.
- M13** 1976 c. 35.
- M14** 1956 c. 26
- M15** 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>F79</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>F80</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>F80</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



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scheme came into operation there were substituted a reference to the end of his period of [<sup>F80</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>F81</sup>. . . .

#### Textual Amendments

- F79** 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)
- F80** 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)
- F81** 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.

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

- C6** S. 25 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)

**Status:**

Point in time view as at 27/06/2003.

**Changes to legislation:**

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