



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART I

#### ORGANISATION OF POLICE FORCES

##### *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>F1</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>F2</sup>section 135(3) and (4) of the <sup>M1</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.

*Status: Point in time view as at 01/08/1997. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Section 17. (See end of Document for details)*

- (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>F3</sup>
  - (b) .....<sup>F4</sup> from the [<sup>F5</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>F5</sup>sheriff principal] does not include a [<sup>F5</sup>sheriff].

- (4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland [<sup>F6</sup>and (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) .....<sup>F7</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 agreements [<sup>F8</sup>or of section 98 of the <sup>M2</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, and
  - (b) in any other case, the chief constable of the police force in which the constable holds his appointment.

[<sup>F9</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**

- F1** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 30](#)
- F2** 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.](#)
- F3** S. 17(3)(a) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F4** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F5** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

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- F6** 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**
- F7** S. 17(6) repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 110, **Sch. 7 Pt. VI**
- F8** 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.**
- F9** S. 17(7A) inserted (3.2.1995) by 1994 c. 33, s. 160(2)(b); S.I. 1995/127, art. 2(1), **Sch. 1**

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**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)

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**Marginal Citations**

- M1** 1995 c.46.
- M2** 1996 c.16.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Section 17.