



Police (Scotland) Act 1967

1967 CHAPTER 77

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 police forces.
- (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 or temporary 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 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.

Status: This is the original version (as it was originally enacted).

- (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.
- (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, 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) Before making regulations under this section with respect to any of the matters mentioned in section 45(1) of the Police Act 1964 (which provides for the establishment of the Police Council for Great Britain for the consideration of certain questions), not being regulations relating to special constables, the Secretary of State shall take into consideration any recommendation made by the Police Council for Great Britain and furnish the Council with a draft of the regulations.
- (9) Before making regulations under this section, other than regulations in relation to the making of which subsection (8) of this section applies, 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.