



# Police (Scotland) Act 1967 (repealed)

## 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 [<sup>F1</sup>, and the conditions of service in,] police forces.

[<sup>F2</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>F3</sup> . . . constables;
- [<sup>F4</sup>(e) the conduct and efficiency of constables;]
- (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 [<sup>F5</sup>section 64 of the Police Act 1996] (membership of trade unions);
- (j) the hours of duty, leave, pay and allowances of constables;

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- (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>F6F6</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 the other ways mentioned in paragraph (a) above, is decided by the police authority of the area for which the force is maintained.
- <sup>F6</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>F6</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>F7</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.

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<sup>F8</sup>(7) .....

(8) ..... <sup>F9</sup>

(9) Before making regulations under this section [<sup>F10</sup>other than regulations with respect to any of the matters mentioned in section 61(1) of the Police Act 1996], 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>F11</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

- F1** Words in s. 26(1) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(a); S.I. 1994/3075, art. 2, **Sch.**
- F2** S. 26(1A) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(1)(a)
- F3** 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.**
- F4** S. 26(2)(e) substituted (1.8.1996) by 1994 c. 29, s. 52(2); S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F5** Words in s. 26(2)(i) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1) Sch. 7 Pt. II para. 14(2)
- F6** S. 26(2A)-(2C) inserted (8.8.1994 as regards para. (2B) and 1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, s. 52(3); S.I. 1994/2025, art. 3(2)(d); S.I. 1994/3075, art. 2, **Sch.**; S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F7** S. 26(5A) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(b); S.I. 1994/3075, art. 2, **Sch.**
- F8** S. 26(7) repealed (1.8.1996) by 1994 c. 29, ss. 52(4), 93, **Sch. 9 Pt. I**; S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F9** S. 26(8) repealed by Police Act 1969 (c. 63), s. 4(8)
- F10** Words in s. 26(9) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 14(3)**
- F11** S. 26(10) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(b)

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

- C1** S. 26 amended by Sex Discrimination Act 1975 (c. 65), s. 17(2)(8)
- C2** S. 26 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(b)(2)
- C3** S. 26: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3
- C4** S. 26 restricted (22.8.1996) by 1996 c. 16, ss. 62(1)(b), 104(1) (which s. 62(1)(b) was repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. IV**; S.I. 1998/3178, art. 3)

#### [26A] <sup>F12</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—

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- (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,

the Secretary of State may direct the police authority or [<sup>F13</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

- F12** 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)
- F13** 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)

#### [<sup>F14</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>F15</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

- F14** 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)
- F15** 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)

#### [<sup>F16</sup>26C Duty of compliance.

It shall be the duty of a police authority or [<sup>F17</sup>joint police board] to comply with any direction given to them under section 26A or 26B of this Act.]

#### Textual Amendments

- F16** 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)
- F17** 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)

#### <sup>F18</sup>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 be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

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- (3) Subsections . . . <sup>F19</sup>[<sup>F20</sup>(1A), [<sup>F21</sup>(2B),](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

- F18** S. 27: transfer of certain functions (1.7.199) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
- F19** Words repealed by **Police Act 1969** (c. 63), **s. 4(8)**
- F20** Words substituted by **Police and Criminal Evidence Act 1984** (c. 60, SIF 95), **s. 111(2)**
- F21** Words in s. 27(3) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 9**; S.I. 1997/1930, **art. 3(2)(w)**

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

- C5** S. 27 amended by **Superannuation (Miscellaneous Provisions) Act 1967** (c. 28), **s. 13** and **Sex Discrimination Act 1975** (c. 65), **s. 17(2)(8)**
- C6** S. 27 amended by **Police Negotiating Board Act 1980** (c. 10, SIF 95), **s. 2(b)(2)(3)**
- C7** S. 27 restricted (22.8.1996) by 1996 c. 16, **ss. 62(1)(b)(3)**, 104(1) (which s. 62(1)(b) was repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. IV**; S.I. 1998/3178, **art. 3**)

## 28 Regulations as to standard of equipment.

<sup>F22</sup>(1) 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.

[<sup>F23</sup>(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(3) In subsection (2) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.]

#### Textual Amendments

- F22** S. 28 renumbered as s. 28(1) (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 10**; S.I. 1998/354, **art. 2(2)(ay)(bb)**
- F23** S. 28(2)(3) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 10**; S.I. 1998/354, **art. 2(2)(ay)(bb)**

## 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>F24</sup>Subsections (3) to (8) of section 210 of the <sup>M1</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.

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- (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

**F24** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(6\)](#)

#### Marginal Citations

**M1** [1973 c. 65.](#)

### [30] <sup>F25</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 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>M2</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

**F25** [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.](#)

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#### Marginal Citations

M2 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>F26</sup>[<sup>F27</sup>an] assistant chief constable] the Secretary of State shall give the chief constable <sup>F28</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 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>F29</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

- F26** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), **Sch. 6 para. 33**
- F27** 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)
- F28** 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)
- F29** 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] <sup>F30</sup>Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall for the financial year 1997-98 and for each subsequent financial year make grants out of money provided by Parliament for police purposes to police authorities and joint police boards.
- (2) Where a grant is made under subsection (1) above to a joint police board, no grant under that subsection shall be payable to a constituent authority.
- (3) For each financial year the [<sup>F31</sup>Scottish Ministers shall]] by order determine—
  - (a) the aggregate amount of grants to be made under subsection (1) above; and

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- (b) the amount of the grant to be made to each police authority or joint police board,  
and any determination under this subsection for any financial year may be varied or revoked by a subsequent such determination for that year.
- (4) In making a determination under subsection (3)(b) above, the Secretary of State may exclude certain categories of expenditure for police purposes from a grant made under subsection (1) above.
- (5) A grant made to a police authority or to a joint police board by virtue of an order made under subsection (3) above may be subject to such conditions and shall be paid at such times and in such manner as the [<sup>F32</sup>Scottish Ministers may] by order determine; and any such time may fall within or after the financial year concerned.
- (6) The Secretary of State shall prepare a report stating the considerations which he took into account in making the determinations mentioned in subsection (3) above.
- (7) The considerations which the Secretary of State takes into account in making a determination under subsection (3)(b) above may be different for different authorities or different joint police boards.
- (8) A statutory instrument containing an order made under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A copy of a report prepared under subsection (6) above shall be laid before each House of Parliament at the time at which the statutory instrument containing the order made under subsection (3) above to which it relates is so laid.
- (10) Where in consequence of the variation or revocation of an order made under subsection (3) above the amount of a police authority's or a joint police board's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall [<sup>F33</sup>, subject to subsection (10K) below,] be paid by the authority or, as the case may be, board to the Secretary of State on such day as he may specify.
- [<sup>F34</sup>(10A) Where, at the end of the financial year, any part of police grant made to the police authority or joint police board under this section for that financial year has not been spent, the authority or board may, subject to subsections (10B) and (10C) below, carry forward from one financial year (the "carry-forward year") to the next the sum unspent.
- (10B) In respect of any financial year, the police authority or joint police board shall carry forward no more than three per cent. of the police grant made to that authority or board in respect of that financial year.
- (10C) In the cases mentioned in subsections (10D) and (10E) below, grant may be carried forward as mentioned in subsection (10A) above only with the consent of the Scottish Ministers.
- (10D) The case is where, in relation to a police authority—
- (a) any sums previously carried forward under subsection (10A) above and remaining unspent at the end of the carry-forward year; and
  - (b) the sum carried forward,
- would, taken together, amount to more than the maximum sum.
- (10E) The case is where, in relation to a joint police board—
- (a) any sums previously carried forward—



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- (i) under subsection (10A) above; and
  - (ii) by virtue of arrangements such as are mentioned in section 19(2)(e) of this Act,  
and remaining unspent at the end of the carry-forward year;
- (b) the sum carried forward under that subsection; and
  - (c) any money carried forward by virtue of arrangements such as are mentioned in that section,
- would, taken together, amount to more than the maximum sum.
- (10F) The “maximum sum”, in relation to a carry-forward year, means—
- (a) in subsection (10D) above, the amount equal to five per cent. of the total amount of grant made under this section to the police authority in respect of that year; and
  - (b) in subsection (10E) above, the amount equal to five per cent. of the sum of—
    - (i) the total amount of grant made under this section to the joint police board in respect of that year; and
    - (ii) the total amount of money paid to the board by virtue of section 19(2)(d) of this Act by the constituent authorities in respect of that year.
- (10G) The Scottish Ministers may, by order, substitute for the percentage mentioned in—
- (a) subsection (10B) above; or
  - (b) paragraph (a) or (b) of subsection (10F) above,
- such other percentage as they think fit.
- (10H) An order under subsection (10G) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (10J) Subsection (10A) above is not to be taken as preventing the carrying forward of any sum, being a sum already carried forward to a financial year under that subsection 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.
- (10K) In a financial year in respect of which subsection (10) above applies, the sum to be paid to the Scottish Ministers by the police authority or joint police board under subsection (10) above shall be the balance, if any, of the sum payable under subsection (10) less the sum carried forward in respect of that financial year under subsection (10A).]
- (11) In this section “financial year” has the meaning assigned to it by section 116 of the <sup>M3</sup>Local Government Finance Act 1992.

#### Textual Amendments

- F30** S. 32 substituted (21.3.1997) by 1997 c. 48, ss. 45(1), 65(2) (with s. 33)
- F31** Words in s. 32(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. 1 para. 41(a); S.I. 1998/3178, art. 3
- F32** Words in s. 32(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. 1 para. 41(b); S.I. 1998/3178, art. 3
- F33** Words in s. 32(10) inserted (11.3.2002) by 2001 asp 15, s. 1(2)(a); S.S.I. 2002/84, art. 2
- F34** S. 32(10A)-(10K) inserted (11.3.2002) by 2001 asp 15, s. 1(2)(b); S.S.I. 2002/84, art. 2

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

**C8** S. 32(1) excluded (21.3.1997) by 1997 c. 48, ss. 45(2), 65(2) (with s. 33)

**Marginal Citations**

**M3** 1992 c.14.

**[32A** <sup>F35</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 [<sup>F36</sup>joint police board] in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- [<sup>F37</sup>(3) Subject to subsection (4), the Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- (4) Where the powers under this section are exercised by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), subsection (3) shall not apply.]

**Textual Amendments**

**F35** S. 32A inserted (1.1.1995) by 1994 c. 29, s. 56; S.I. 1994/3075, art. 2, Sch.

**F36** Words in s. 32A(1) substituted (1.1.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(14); S.I. 1996/323, art. 4(1)(b)(c)

**F37** S. 32A(3)(4) substituted for s. 32A(3) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 6(1), Sch. 5 para. 2 (with art. 7); S.I. 1998/3178, art. 3

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

**C9** S. 32A: certain functions made exercisable by the Scottish Ministers concurrently with the Minister (1.7.1999) by S.I. 1999/1750, arts. 1(1), 3, Sch. 2 (with art. 7); S.I. 1998/3178, art. 3

*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 [<sup>F38</sup>Scottish Ministers] 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 [<sup>F39</sup>Scottish Ministers] may determine.
- [<sup>F40</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 [<sup>F41</sup>and the National Criminal Intelligence Service]]; 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.

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- (4) Such of the inspectors of constabulary as may be directed in that behalf by the [<sup>F42</sup>Scottish Ministers] shall annually, at such times as may be so directed, submit to the [<sup>F42</sup>Scottish Ministers] a written report on the state and efficiency of the police forces generally [<sup>F41</sup>and the National Criminal Intelligence Service], and the [<sup>F42</sup>Scottish Ministers] shall cause a copy of every such annual report to be laid before each House of Parliament.

**Textual Amendments**

- F38** Words in s. 33(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 2(1), 4, **Sch. 2 Pt. I para. 41(3)(a)**; S.I. 1998/3178, **art. 3**
- F39** Words in s. 33(2) substituted (1.7.1999) by S.I. 1999/1820, arts. 2(1), 4, **Sch. 2 Pt. I para. 41(3)(b)**; S.I. 1998/3178, **art. 3**
- F40** S. 33(3) substituted (1.1.1995) by 1994 c. 29, s. 57; S.I. 1994/3075, art. 2, **Sch.**
- F41** Words in s. 33(3)(4) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 11**; S.I. 1998/354, **art. 2(2)(ay)(bb)**
- F42** Words in s. 33(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 41(3)(c)**; S.I. 1998/3178, **art. 3**

**34 Assistant inspectors and staff officers.**

- [<sup>F43</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 [<sup>F44</sup>Scottish Ministers may] determine.

**Textual Amendments**

- F43** S. 34(1)(1A) substituted (1.1.1995) for s. 34(1) by 1994 c. 29, s. 58; S.I. 1994/3075, art. 2, **Sch.**
- F44** Words in s. 34(2) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 41(1)(4)**; S.I. 1998/3178, **art. 3**

**35** ..... <sup>F45</sup>

**Textual Amendments**

- F45** Ss. 35, 38(4) repealed by Police Pensions Act 1976 (c. 35), **Sch. 3**

*Common services*

[<sup>F46</sup>**36 Common services.**

- (1) The Secretary of State may—
- (a) himself—
- (i) provide and maintain facilities and services; or

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- (ii) establish and maintain institutions and organisations; or
- (b) contribute, by way of financial assistance, grant or otherwise, to—
- (i) the provision and maintenance of facilities and services; or
- (ii) the establishment and maintenance of institutions and organisations,
- by others,
- where he considers that to do so is necessary or expedient for promoting the efficiency or effectiveness of the police.
- (2) The Secretary of State may 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 or effectiveness of the police for them to do so.
- (3) The Secretary of State may recover from police authorities and joint police boards the whole or any part of any expenditure which he incurs under subsection (1) above and, for that purpose, he may—
- (a) fix charges to be paid to him in respect of the use by police forces of any facilities or services such as are mentioned in subsection (1) above; and
- (b) determine amounts to be paid to him by police authorities and joint police boards, and he may determine different amounts in respect of different police authorities and joint police boards.
- (4) Before exercising the powers conferred by any of subsections (1) to (3) above the Secretary of State shall consult the Joint Central Committee and such bodies or associations as appear to him to be representative of police authorities or of chief constables or superintendents.
- (5) Any sum due by a police authority or joint police board to the Secretary of State under this section—
- (a) may be deducted by him from the amount of police grant payable to that authority or board under section 32 of this Act; or
- (b) failing such deduction, shall be defrayed in like manner as other expenses incurred for the purposes of this Act by that authority or board.]
- [<sup>F47</sup>(7) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (8) In subsection (7) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.]

#### Textual Amendments

**F46** S. 36 substituted (1.4.1997) by 1997 c. 48, s. 46(1)(3)

**F47** It is provided that s. 36(7)(8) is inserted (1.4.1998) by 1997 c. 50, s. 134(1), Sch. 9 para. 12; S.I. 1998/354, art. 2(2)(ay)(bb)

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

**C10** S. 36(3) modified (1.4.1997) by 1997 c. 48, ss. 46(4)(5), 65(2)

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### 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.

### 38 Central service on police duties.

<sup>F48</sup>(1) . . . . .

<sup>F48</sup>(2) . . . . .

<sup>F48</sup>(3) . . . . .

[<sup>F49</sup>(3A) Notwithstanding anything in [<sup>F50</sup>section 38A(3) of this Act], a person engaged on central service [<sup>F51</sup>, or on temporary service such as is mentioned in paragraph (ba) or (bb) of the said section 38A(1),] 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>F49</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 [<sup>F52</sup>or on temporary service as mentioned in section 38A(1)(aa) of this Act] 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>F53</sup>

(5) In this section—

[ “ <sup>F54</sup>central service ” means temporary service under the Crown, with the consent of the appropriate authority, in connection with—

- (a) facilities and services provided and maintained by the Secretary of State under section 36(1)(a)(i) of this Act;
- (b) facilities and services provided by organisations or institutions established and maintained by the Secretary of State under section 36(1)(a)(ii) of this Act; and
- (c) research or other services connected with the police provided by the Secretary of State,

and 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>F55</sup>  
. . . .

#### Textual Amendments

**F48** 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.**

**F49** 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)**

**F50** 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)

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- F51** Words in s. 38(3A) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 13**; S.I. 1997/2390, **art. 2(2)(w)**
- F52** Words in s. 38(3B) inserted (24.2.2003) by **Proceeds of Crime Act 2002 (c. 29)**, s. 458(1), **Sch. 11 para. 3(2)**; S.I. 2003/120, **art. 2, Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F53** Ss. 35, 38(4) repealed by **Police Pensions Act 1976 (c. 35)**, **Sch. 3**
- F54** Definition of “central service” in s. 38(5) substituted (1.4.1997) by 1997 c. 48, **s. 46(2)(3)** (with s. 33)
- F55** 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>F56</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,
    - <sup>F57</sup>(aa) [ temporary service with the Scottish Ministers in connection with their functions under Part 5 or 8 of the Proceeds of Crime Act 2002, on which a person is engaged with the consent of the appropriate authority;]
  - (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,
    - <sup>F58</sup>(ba) [ temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;]
  - (bb) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;]
  - (c) service the expenses of which are payable under section 1(1) of the <sup>M4</sup> Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
    - <sup>F59</sup>(ca) [ temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;]
  - (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, <sup>F60</sup> . . .
  - (e) service pursuant to an appointment under section 10 of the <sup>M5</sup> Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority <sup>F61</sup> , or.
  - (f) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 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>M6</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

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- (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>M7</sup> Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M8</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) [<sup>F62</sup>(ba) or (bb)] [<sup>F63</sup>, (e) or (f)] 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>M9</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 [<sup>F64</sup>(ca) or] (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.
- (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 [<sup>F65</sup>the Police Ombudsman for Northern Ireland or (as the case may be)] 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

- F56** S. 38A inserted (1.4.1995) by 1994 c. 29, s. 60; S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F57** S. 38A(1)(aa) inserted (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 11 para. 3(3); S.I. 2003/120, art. 2, Sch. (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- F58** S. 38A (1)(ba)(bb) inserted (31.10.1997) by 1997 c. 50, s. 134(1), Sch. 9 para. 14(a); S.I. 1997/2390, art. 2(2)(w)

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- F59** S. 38A(1)(ca) inserted (21.2.2003) by [Police \(Northern Ireland\) Act 1998 \(c. 32\)](#), s. 75, [Sch. 4 para. 4\(2\)](#); S.R. 2003/142, art. 3
- F60** Word in s. 38A(1)(d) repealed (17.6.2002) by 2002 c. 1, s. 19, [Sch. 4](#) (with [Sch. 5 para. 5](#)); S.I. 2002/1408, [art. 2](#)
- F61** S. 38A(1)(f) and the word preceding it inserted (17.6.2002) by 2002 c. 1, s. 19, [Sch. 3 para. 3\(2\)](#) (with [Sch. 5 para. 5](#)); S.I. 2002/1408, [art. 2](#)
- F62** Words in s. 38A(6)(a) inserted (31.10.1997) by 1997 c. 50, s. 134(1), [Sch. 9 para. 14\(b\)](#); S.I. 1997/2390, [art. 2\(2\)\(w\)](#)
- F63** Words in s. 38A(6)(a) substituted (17.6.2002) by 2002 c. 1, s. 19, [Sch. 3 para. 3\(3\)](#) (with [Sch. 5 para. 5](#)); S.I. 2002/1408, [art. 2](#)
- F64** Words in s. 38A(6)(c) inserted (21.2.2003) by [Police \(Northern Ireland\) Act 1998 \(c. 32\)](#), s. 75, [Sch. 4 para. 4\(3\)](#); S.R. 2003/142, art. 3
- F65** Words in s. 38A(7)(b) inserted (21.2.2003) by [Police \(Northern Ireland\) Act 1998 \(c. 32\)](#), s. 75, [Sch. 4 para. 4\(4\)](#); S.R. 2003/142, art. 3

#### Marginal Citations

- M4** 1945 c. 17.  
**M5** 1980 c. 63.  
**M6** 1976 c. 35.  
**M7** 1976 c. 35.  
**M8** 1945 c. 17.  
**M9** 1945 c. 17.



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