



Police (Scotland) Act 1967 (repealed)

1967 CHAPTER 77

PART II

CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

Common services

36 Central training and other common services.

- (1) The Secretary of State may provide courses for constables, and may for that purpose, if he thinks fit, establish and maintain one or more central training institutions (including such instructing and administrative staff, and such land, buildings and equipment, as he may consider expedient).
- (2) The Secretary of State may make arrangements for the attendance of constables at courses provided (whether in Scotland or elsewhere) otherwise than under subsection (1) of this section.
- (3) Before providing any courses, or making any arrangements, under the foregoing provisions of this section 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, chief constables and superintendents (including chief superintendents) respectively.
- (4) One half of the expenses incurred by the Secretary of State in establishing and maintaining any central training institution under subsection (1) of this section shall be recoverable by him from police authorities (not being constituent authorities) and from joint police committees in such proportions as may be determined by him after consulting such bodies or associations as appear to him to be representative of police authorities; and any expenses falling on a police authority or joint police committee by virtue of this subsection shall be defrayed in like manner as other expenses incurred by the authority or committee for the purposes of this Act.
- (5) The Secretary of State may, after consulting such bodies or associations as appear to him to be representative of police authorities, by order apply subsection (4) of this

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section to other expenses specified in the order incurred by him for the purposes of police forces generally.

- (6) In this section “courses” means courses of instruction in matters relating to police service.

Modifications etc. (not altering text)

C1 S. 36(4) extended (1.4.1993) by S.I. 1993/720, arts. 1,2.

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.

- (1) Subject to the provisions of this section, where a constable of a police force is, whether before or after the commencement of this Act, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a constable of that force during that period or so much of it as falls on or after 1st August 1964; but, except where a pension, allowance or gratuity becomes payable to him out of moneys provided by Parliament by virtue of regulations made under the ^[F1M1]Police Pensions Act 1976]—
- (a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which he was serving immediately before he engaged as aforesaid; and
 - (b) he shall be treated, for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.
- (2) Notwithstanding anything in subsection (1) of this section, a constable who has engaged on central service may be promoted in his police force as if he were serving in that force; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and 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.
- (3) Notwithstanding anything in subsection (1) of this section, a constable may be dealt with under the police regulations relating to discipline for anything done or omitted while engaged on central service as if that service were service in his police force, and section 30 of this Act shall apply accordingly.
- [F2(3A) Notwithstanding anything in subsection (1) above, a person engaged on central service shall continue to be a constable and shall be treated for the purposes of sections 17 and 43 of this Act as if he were a constable of his police force.]
- [F2(3B) The Secretary of State shall be liable in reparation in respect of any wrongful act or omission on the part of any constable engaged on central service in the performance or purported performance of his functions in like manner as a master is liable in respect

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of a wrongful act or omission on the part of his servant in the course of the servant's employment.]

(4) ^{F3}

(5) In this section—

“central service” means temporary service under the Crown in connection with the provision by the Secretary of State of common police services, research or other services connected with the police, and service as a staff officer to the inspectors of constabulary;

“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;

“police regulations” means regulations made under this Part of this Act.

Textual Amendments

- F1** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 6\(a\)](#)
- F2** [S. 38\(3A\)\(3B\)](#) inserted (*retrosp.*) after section 38(3) by [Police Officers \(Central Service\) Act 1989 \(c. 11, SIF 95\), s. 2\(1\)\(2\)](#)
- F3** [Ss. 35, 38\(4\)](#) repealed by [Police Pensions Act 1976 \(c. 35\), Sch. 3](#)

Marginal Citations

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

VALID FROM 01/04/1995

^{F4}38A Constables engaged on service outside their force.

- (1) For the purposes of this section “relevant service” means—
 - (a) temporary service on which a person is engaged in accordance with arrangements made under section 12A(2) of this Act,
 - (b) central service (as defined by section 38(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
 - (c) service the expenses of which are payable under section 1(1) of the ^{M2}Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
 - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
 - (e) service pursuant to an appointment under section 10 of the ^{M3}Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 38 of this Act.
- (3) Subject to subsections (4) to (7) of this section, a constable of a police force engaged on relevant service shall be treated as if he were not a constable of that force during that service; but except where a pension, allowance or gratuity becomes payable to

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him out of money provided by Parliament by virtue of regulations made under the ^{M4}Police Pensions Act 1976—

- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
 - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 26 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) of this section to regulations made under the ^{M5}Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the ^{M6}Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
 - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A constable who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section,
 - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations under section 1 of the ^{M7}Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
 - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (2A) of section 26 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 30 of this Act shall apply accordingly.
- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
 - (b) in a case within paragraph (c) of that subsection it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.]

Textual Amendments

F4 S. 38A inserted (1.4.1995) by 1994 c. 29, ss. 60, 94(3)(c); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

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Marginal Citations

- M2** 1945 c. 17.
- M3** 1980 c. 63.
- M4** 1976 c. 35.
- M5** 1976 c. 35.
- M6** 1945 c. 17.
- M7** 1945 c. 17.

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