



Police (Scotland) Act 1967 (repealed)

1967 CHAPTER 77

PART I

ORGANISATION OF POLICE FORCES

Police areas, police authorities and police forces

[9] ^{F1} Civilian employees.

(1) A police authority may

^{F2}(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][^{F3}; or]

^{F3}(b) [appoint for such purposes as such officers persons provided under a contract for services entered into by the authority with some other person].

[The category of persons—

^{F4}(1A) (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—

Status: Point in time view as at 27/06/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Section 9. (See end of Document for details)

- (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;
- (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—

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- (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,

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 ^{MI} Local Government (Scotland) Act 1973 so as to secure that, subject to subsection (3) below, any person employed [^{F5}, 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 [^{F6}, or appointed,] by the authority [^{F7}(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

- F1** S. 9 substituted (1.4.1996) by 1994 c. 29, s. 49; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F2** 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.
- F3** 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.
- F4** 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.
- F5** 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.
- F6** 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.
- F7** 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.

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Marginal Citations

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