



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART I

#### ORGANISATION OF POLICE FORCES

##### *Police areas, police authorities and police forces*

#### [1] Police areas.

[<sup>F1</sup>(1) Subject to the provisions of any amalgamation scheme, a police force shall be maintained [<sup>F2</sup>for every local government area], and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof.]

(2) Subject to the provisions of this Act relating to amalgamation schemes, any reference in this Act to a police area shall be construed as a reference to an area for which a police force falls to be maintained in pursuance of this section, or would apart from the said provisions fall to be so maintained, and shall include a reference to the territorial waters, if any, adjacent to such area.

#### Textual Amendments

**F1** S. 1(1) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(2\)](#)

**F2** Words in s. 1(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 71\(2\)](#); S.I. 1996/323, [arts. 4\(1\)\(b\)\(c\)](#)

#### 2 Police authorities and their functions.

(1) [<sup>F3</sup>For every police area the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the police authority] and, subject to the provisions of any amalgamation scheme, shall have in relation to that area, and to the police force maintained for that area or for any combined area comprising that area, the functions conferred or imposed upon police authorities by this Act.

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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed).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

- (2) The police authority shall pay to the constables of a police force pay and allowances in accordance with regulations made under Part II of this Act, and shall reimburse to such constables any expenses reasonably incurred by them in the performance of their duty . . . <sup>F4</sup>.
- (3) The police authority may, subject to any regulations made under Part II of this Act, provide and maintain such vehicles, apparatus, accoutrements, clothing and other equipment as may be required for the purposes of a police force.
- (4) The police authority may, subject to the consent of the Secretary of State, provide and maintain such land and buildings and other structures, and make such alterations in any buildings and other structures already provided, as may be required for the purposes of a police force (including cells for the temporary confinement of persons taken into police custody and dwelling-houses or other housing accommodation for constables).

**Textual Amendments**

**F3** Words in s. 2(1) substituted (1.4.1996) by 1994 c. 29, s. 180(1), **Sch. 13 para. 71(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**

**F4** Words repealed by **Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2)**, Sch. 2 para. 12, **Sch. 4**

**[3] <sup>F5</sup> Establishments of police forces**

- (1) A police force shall consist of a chief constable, regular constables and special constables.
- (2) In subsection (1) above—
  - “ regular constables ” means constables (including probationary constables) to whom both pay and allowances are, by virtue of section 26 of this Act, payable; and “ special constables ” means constables to whom allowances only are so payable. ]

**Textual Amendments**

**F5** S. 3 substituted (13.12.1995) by 1994 c. 29, s. 47(1); S.I. 1995/3003, art. 2, **Sch.**

**4 Chief constables.**

- (1) Subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, the police authority shall, after consultation with, and subject to the approval of, the Secretary of State, appoint the chief constable of the police force maintained for their area.
- (2) A person appointed to the office of chief constable of a police force shall hold the rank of chief constable.
- (3) . . . . . <sup>F6</sup>
- (4) Subject to the following provisions of this section, a person appointed to the office of chief constable of a police force—

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- (a) may resign his appointment in accordance with regulations made under Part II of this Act; or
- (b) may in accordance with regulations made as aforesaid be required by the police authority to resign his appointment; or
- (c) may in accordance with regulations made as aforesaid be dismissed by the police authority; or
- (d) may, without prejudice to those regulations, be called on to retire by the police authority, acting with the approval of the Secretary of State, where they consider that his retirement is in the interests of efficiency;

but otherwise shall remain in office until the termination of his appointment by death or the expiration of any period of tenure specified in the terms thereof, whichever event shall first occur.

- (5) Before seeking the approval of the Secretary of State under paragraph (d) of subsection (4) of this section the police authority shall give the chief constable an opportunity to make representations and shall consider any representations so made.
- (6) A chief constable who is called on to retire as aforesaid shall retire on such date as the police authority may specify when calling on him to retire or on such earlier date as may be agreed upon between him and the police authority.
- (7) Nothing in subsection (4) of this section shall prejudice the operation of section 23(2) of this Act, or of any enactment providing for retirement by virtue of section 1 of the <sup>M1</sup>[<sup>F7</sup>Police Pensions Act 1976] (police pension regulations).

#### Textual Amendments

- F6** S. 4(3) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 29](#)  
**F7** Words substituted by virtue of [Police Pensions Act 1976 \(c. 35\)](#), [s. 12\(3\)](#)

#### Marginal Citations

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

### [<sup>F8</sup>5 Deputy and assistant chief constables

- (1) Every police force shall have a deputy chief constable.
- (2) The ranks which may be held in a police force shall include that of assistant chief constable.
- (3) Appointments and promotions to the rank of deputy chief constable or assistant chief constable shall be made, in accordance with regulations under section 26 of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Scottish Ministers.
- (4) Subsections (4) to (7) of section 4 of this Act shall apply to a deputy chief constable or an assistant chief constable as they apply to a chief constable.]

#### Textual Amendments

- F8** Ss. 5, 5A substituted for s. 5 (25.6.2004) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 75\(2\)](#), [89\(2\)](#); [S.S.I. 2004/240](#), [art. 2\(2\)](#)

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### [<sup>F9</sup>5ZA. Deputy chief constables – supplementary

- (1) A person who held the rank of deputy chief constable in a police force before a period of appointment under section 33 of this Act, and who returns to that force at the end of the period in question is entitled to return as a deputy chief constable of that force.
- (2) If by virtue of subsection (1) above or section 38A(3)(a) of this Act there is more than one person in a police force who holds the rank of deputy chief constable, one of the persons who holds it shall be designated as the officer having the powers and duties conferred on a deputy chief constable by section 5A(1) of this Act.
- (3) A person shall be designated under subsection (2) above by the police authority after consultation with the chief constable and subject to the approval of the Scottish Ministers.]

#### Textual Amendments

**F9** S. 5ZA inserted (25.6.2005) by [Criminal Justice \(Scotland\) Act 2003 \(Amendment of Police \(Scotland\) Act 1967\) Order 2005 \(S.S.I. 2005/361\)](#), arts. 1, 2

### [<sup>F10</sup>5A Power of deputy or assistant chief constable to exercise functions of chief constable

- (1) The deputy chief constable of a police force may exercise or perform any or all of the powers and duties of the chief constable of that force—
  - (a) during any absence, incapacity or suspension from duty of the chief constable;
  - (b) during any vacancy in the office of the chief constable; or
  - (c) at any other time, with the consent of the chief constable.
- (2) A person holding the rank of assistant chief constable in a police force may be designated by the police authority to exercise or perform any or all of the powers and duties of the chief constable of that force during—
  - (a) any absence, incapacity or suspension from duty of; or
  - (b) any vacancy in the offices of,
 both the chief constable and the deputy chief constable.
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2) above.
- (4) Exercise for a continuous period of more than three months of any power conferred by virtue of subsection (1)(a) or (b) or (2) above shall require the consent of the Scottish Ministers.
- (5) The provisions of subsections (1) and (2) above shall be without prejudice to any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.]

#### Textual Amendments

**F10** Ss. 5, 5A substituted for s. 5 (25.6.2004) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 75(2), 89(2); S.S.I. 2004/240, art. 2(2)

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## 6 Constables below rank of assistant chief constable.

- (1) Appointments and promotions to any rank below that of assistant chief constable in any police force shall be made, subject to the provisions of section 19(2)(a) of this Act and of any regulations made under Part II of this Act, by the chief constable.

<sup>F11</sup>(2) . . . . .

### Textual Amendments

**F11** S. 6(2) repealed (1.8.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 2(2), Sch.3; S.I. 1997/1712, art. 3, Sch.

## 7 Ranks.

- (1) The ranks which may be held in a police force shall be such as may be prescribed, and the ranks so prescribed shall include the ranks of chief constable [<sup>F12</sup>, deputy chief constable]<sup>F13</sup> . . . , assistant chief constable [<sup>F14</sup>, chief superintendent]<sup>F13</sup> . . . superintendent [<sup>F15</sup>, chief inspector, inspector, sergeant and constable].

<sup>F16</sup>(2) . . . . .

- (3) There shall not be assigned to any constable at any time a rank lower than that which he then holds, except with his consent or in accordance with regulations [<sup>F17</sup>made in accordance with section 26(2A) of this Act].

### Textual Amendments

**F12** Words in s. 7(1) inserted (25.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 75(3)(a), 89(2); S.S.I. 2004/240, art. 2(2)

**F13** Words in s. 7(1) repealed (1.4.1995) by 1994 c. 29, ss. 47(2)(a)(i), 93, Sch. 9 Pt. I; S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

**F14** Words in s. 7(1) inserted (25.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 75(3)(b), 89(2); S.S.I. 2004/240, art. 2(2)

**F15** Words in s. 7(1) inserted (1.4.1995) by 1994 c. 29, s. 47(2)(a)(ii); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

**F16** S. 7(2) repealed (13.12.1995) by 1994 c. 29, ss. 47(2)(b), 93, Sch. 9 Pt. I; S.I. 1995/3003, art. 2, Sch.

**F17** Words in s. 7(3) substituted (1.8.1996) by 1994 c. 29, s. 63(3); S.I. 1996/1646, art. 2, Sch. (with art. 3)

## 8 Police cadets.

- (1) The chief constable of any police force may, in accordance with regulations made under Part II of this Act <sup>F18</sup> . . . , appoint persons as police cadets to undergo training with a view to becoming constables of that police force.
- (2) Subject to such regulations as aforesaid, all police cadets shall be under the control of, and subject to dismissal by, the chief constable.
- (3) Subject to subsection (2) of this section, the police authority for a police area shall be treated for the purposes of any legal proceedings, and for the purposes of any enactment relating to the functions of employers, as the employer of any police cadets appointed to undergo training with the police force maintained for that area.

*Status: Point in time view as at 25/06/2005.*

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### Textual Amendments

**F18** Words in s. 8(1) repealed (1.4.1996) by 1994 c. 29, ss. 47(3), 93, **Sch. 9 Pt. I**; S.I. 1995/492, art. 3, **Sch. 2** (with art. 4)

## [9] <sup>F19</sup> Civilian employees.

(1) A police authority may

- <sup>F20</sup>(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][<sup>F21</sup>; or]
- <sup>F21</sup>(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—

- <sup>F22</sup>(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—

- (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)—

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- (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—

- (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.

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- (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 <sup>M2</sup> Local Government (Scotland) Act 1973 so as to secure that, subject to subsection (3) below, any person employed [<sup>F23</sup>, 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 [<sup>F24</sup>, or appointed,] by the authority [<sup>F25</sup>(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

- F19** S. 9 substituted (1.4.1996) by 1994 c. 29, s. 49; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F20** 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.
- F21** 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.
- F22** 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.
- F23** 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.
- F24** 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.
- F25** 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.

#### Marginal Citations

- M2** 1973 c. 65.

### [<sup>F26</sup>9A Certification of police custody and security officers

- (1) A chief constable may, on the application of any person employed or appointed by his police authority, issue in respect of that person a certificate such as is mentioned in section 9(1A)(b) of this Act.
- (2) The chief constable shall not do so unless satisfied that the applicant—
- (a) is a fit and proper person to perform for the police force the functions of a police custody and security officer; and
  - (b) has received training to such standard as the chief constable considers appropriate for the performance of those functions.
- (3) A certificate so issued shall, subject to any suspension under paragraph (a) of subsection (4) below or revocation under paragraph (b) of that subsection, continue in force until such date or occurrence as may be specified in the certificate.



*Status: Point in time view as at 25/06/2005.*

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- (4) If at any time it appears to the chief constable that the person in respect of whom the certificate has been issued—
- (a) may not be a fit and proper person to perform the functions of a police custody and security officer he may suspend (pending his consideration of whether to proceed under paragraph (b) of this subsection);
  - (b) is not a fit and proper person to perform those functions he may revoke, the certificate and such authorisation as it confers.

#### Textual Amendments

**F26** Ss. 9A, 9B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(3)**, 89(2); [S.S.I. 2003/288, art. 2, Sch.](#)

### 9B False statements in relation to certification

A person who, for the purpose of obtaining a certificate such as is mentioned in section 9(1A)(b) of this Act for himself or any other person—

- (a) makes a statement which he knows to be; or
- (b) recklessly makes a statement which is,

false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

#### Textual Amendments

**F26** Ss. 9A, 9B inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(3)**, 89(2); [S.S.I. 2003/288, art. 2, Sch.](#)

### 10 Land: compulsory acquisition, etc.

- (1) A police authority may be authorised by the Secretary of State to acquire compulsorily land required for the purposes of their functions under this Act, and the <sup>M3</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if this section had been in force immediately before the commencement of that Act.
- (2) For the purposes of subsection (1) of this section and of [<sup>F27</sup>sections 70 to 78 of the <sup>M4</sup>Local Government (Scotland) Act 1973] (acquisition of and dealings in land by local authorities) any land required, acquired, appropriated or held for the purposes of a police force shall be deemed to be required, acquired, appropriated or held, as the case may be, for the purposes of the functions of the police authority under this Act.

#### Textual Amendments

**F27** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 237(2)**

#### Marginal Citations

**M3** 1947 c. 42.  
**M4** 1973 c. 65.

*Status: Point in time view as at 25/06/2005.*

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

### General provisions

## 11 Aid of one police force by another.

- (1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, who may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit.
- (2) If it appears to the [<sup>F28</sup>appropriate Minister or Ministers] to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) of this section cannot be made, or cannot be made in time, he [<sup>F28</sup>or they] may direct the chief constable of any police force to provide such constables or other assistance for that purpose as may be specified in the directions.
- (3) A copy of any directions given to the chief constable of any police force under subsection (2) of this section shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects their functions in relation to that force.
- (4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the [<sup>F29</sup>appropriate Ministers].
- [<sup>F30</sup>(5) This section shall apply in relation to the [<sup>F31</sup>British Transport Police Authority] and the British Transport Police Force as it applies to a police authority and a police force respectively.
- (6) In subsection (2) “ appropriate Minister or Ministers ” means—
  - (a) in relation to a direction given to the Chief Constable of the British Transport Police Force, the Secretary of State, and
  - (b) in any other case, the Scottish Ministers.
- (7) In subsection (4) “ appropriate Ministers ” means—
  - (a) where the police authorities concerned include the [<sup>F32</sup>British Transport Police Authority], the Scottish Ministers and the Secretary of State, acting jointly, and
  - (b) in any other case, the Scottish Ministers.]

#### Textual Amendments

- F28** Words in s. 11(2) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(2)**; S.I. 2001/4104, **art. 2(d)**
- F29** Words in s. 11(4) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(3)**; S.I. 2001/4104, **art. 2(d)**
- F30** S. 11(5)-(7) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 2(4)**; S.I. 2001/4104, **art. 2(d)**
- F31** Words in s. 11(5) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), arts. 1, **12(1)(a)**

*Status: Point in time view as at 25/06/2005.*

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**F32** Words in s. 11(7) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(1)(a)**

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

**C1** S. 11 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, **art. 3(jjj)**

## 12 Collaboration agreements.

- (1) If it appears to the chief constables of two or more police forces that any police functions can more efficiently be discharged by constables of those forces acting jointly, they may, with the approval of the police authorities for the areas for which those forces are maintained, make an agreement for that purpose.
- (2) If it appears to the police authorities for any two or more police areas that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained for those areas, they make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in default of agreement, be determined by the <sup>F33</sup>Scottish Ministers].
- (4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.
- <sup>F34</sup>(5) If it appears to the Scottish Ministers that an agreement should be made for the purposes specified in subsection (1), (2) or (4) of this section, they may, after considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.
- (6) For the purposes of this section—
  - (a) the British Transport Police Force shall be treated as if it were a police force;
  - (b) “ police functions ” shall include the functions of the British Transport Police Force;
  - <sup>F35</sup>(c) The British Transport Police Authority shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2) and (3) of this section.]
  - <sup>F36</sup>(d) “police area” in relation to the British Transport Police Force and the British Transport Police Authority means the area described in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.]
- [ For the purposes of this section—<sup>F37</sup>(6A)
  - (a) the Civil Nuclear Constabulary shall be treated as if it were a police force;
  - (b) “ police functions ” shall include the functions of the Civil Nuclear Constabulary;
  - (c) the Civil Nuclear Police Authority shall be treated as if it were a police authority; and
  - (d) “ police area ”, in relation to the Civil Nuclear Constabulary and the Civil Nuclear Police Authority, means those places where members of that Constabulary have the powers and privileges of a constable. ]
- (7) In relation to agreements relating to the British Transport Police Force <sup>F38</sup>or the Civil Nuclear Constabulary], any determination under subsection (3) shall be made, and

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any directions under subsection (5) shall be given, by the Scottish Ministers and the Secretary of State, acting jointly.]

#### Textual Amendments

- F33** Words in s. 12(3) substituted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 3(2)**; S.I. 2001/4104, **art. 2(d)**
- F34** S. 12(5)-(7) substituted (7.1.2002) for s. 12(5) by 2001 c. 24, s. 101, **Sch. 7 para. 3(3)**; S.I. 2001/4104, **art. 2(d)**
- F35** S. 12(6)(c) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(2)(a)**
- F36** S. 12(6)(d) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(2)(b)**
- F37** S. 12(6A) inserted (1.3.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 14 para. 2(2)**; S.I. 2005/442, **art. 2(1)**, Sch. 1
- F38** Words in s. 12(7) inserted (1.3.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 14 para. 2(3)**; S.I. 2005/442, **art. 2(1)**, Sch. 1

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

- C2** S. 12 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, **art. 3(jjj)**

### [12A <sup>F39</sup> Provision of advice and assistance to international organisations etc.

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief constable of a force maintained by it.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a constable of the force maintained for the area of the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) above may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
  - (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice and assistance provided by it under this section.

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- (7) The provisions of this section are without prejudice to the <sup>M5</sup> Police (Overseas Service) Act 1945 and section 10 of the <sup>M6</sup> Overseas Development and Co-operation Act 1980. ]

#### Textual Amendments

**F39** S. 12A inserted (21.7.1994) by 1994 c. 29, ss. 50, 94(3)(b)

#### Marginal Citations

**M5** 1945 c. 17.

**M6** 1980 c. 63.

### 13 Watching of premises or land under agreement with occupier.

- (1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area.
- (2) The power conferred upon a police authority by subsection (1) of this section may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

### 14 Extra policing of locality where works are being constructed.

- (1) Where—
- (a) by reason of the construction of works on or over land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and
- (b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,

the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary <sup>F40</sup> . . . for increasing the number of constables so available accordingly.

- (2) Where such arrangements as are mentioned in subsection (1) of this section have been made, the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the [<sup>F41</sup>sheriff principal.]
- (3) The provisions of this section shall be without prejudice to the provisions of section 17(3) of this Act.
- (4) In this section [<sup>F41</sup>sheriff principal] does not include a [<sup>F41</sup>sheriff].

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

#### Textual Amendments

- F40** Words in s. 14(1) repealed (13.12.1995) by 1994 c. 29, ss. 47(4), 93, **Sch. 9 Pt. I**; S.I. 1995/3003, art. 2, **Sch.**
- F41** Words substituted by virtue of **Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4**

### 15 Annual and other reports by chief constable.

- (1) The chief constable of a police force shall before 31st <sup>F42</sup>July] in each year submit to the police authority a <sup>F43</sup>report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects,] the policing, during the <sup>F44</sup>twelve months ending on 31st March in that year], of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (3) of this section.
- (2) Subject to the following provisions of this section, the chief constable of a police force shall, whenever required by any of the authorities specified in subsection (3) of this section, submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained.
- (3) The authorities referred to in subsections (1) and (2) of this section are—  
the Secretary of State,  
the <sup>F45</sup>sheriff principal] having jurisdiction in any part of the area . . . <sup>F46</sup>  
the police authority.
- (4) If it appears to the chief constable that a report in compliance with a requirement made by the police authority in pursuance of subsection (2) of this section would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may, after consultation with the police authority, refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (5) Nothing in the foregoing provisions of this section shall require a chief constable to submit . . . <sup>F46</sup> to any <sup>F45</sup>sheriff principal] a report on matters which are not connected with the policing, . . . <sup>F46</sup> of places in which the <sup>F45</sup>sheriff principal] has jurisdiction.
- (6) In this section <sup>F45</sup>sheriff principal] does not include a <sup>F45</sup>sheriff].

#### Textual Amendments

- F42** Word in s. 15(1) substituted (1.1.1996) by 1994 c. 29, s. 51(a); S.I. 1994/3075, art. 4(1) (with art. 4(2))
- F43** Words in s. 15(1) substituted (1.1.1995) by 1994 c. 29, s. 51(b); S.I. 1994/3075, art. 2, **Sch.**
- F44** Words in s. 15(1) substituted (1.1.1996) by 1994 c. 29, s. 51(c); S.I. 1994/3075, art. 4(1) (with art. 4(2))
- F45** Words substituted by virtue of **Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4**
- F46** Words repealed by **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**

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## 16 Declaration to be made by constables on appointment.

A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, [<sup>F47</sup>or justice of the peace], a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

### Textual Amendments

**F47** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 29](#)

### Modifications etc. (not altering text)

**C3** S. 16 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), s. 24\(4\)](#); [S.I. 2004/1572, art. 3\(g\)\(h\)](#)

### *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>F48</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>F49</sup>section 135(3) and (4) of the <sup>M7</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.
- (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>F50</sup>
  - (b) ..... <sup>F51</sup> from the [<sup>F52</sup>sheriff principal] having jurisdiction in the place:

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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>F52</sup>sheriff principal] does not include a [<sup>F52</sup>sheriff].

- (4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland [<sup>F53</sup>and (without prejudice to section 1(2) of this Act) the adjacent United Kingdom waters].
- [<sup>F54</sup>(4A) A member of the British Transport Police Force who is for the time being required by virtue of section 11 or 12 of this Act to serve with a police force shall—
- (a) have all the powers and privileges of a constable of that police force, and
  - (b) be subject to the direction of the chief constable of that force.]
- (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>F55</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>F56</sup>or of section 98 of the <sup>M8</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 [<sup>F57</sup>or, if he is serving with the British Transport Police Force, the Chief Constable of that Force], and
  - (b) in any other case, the chief constable of the police force in which the constable holds his appointment.

<sup>F58</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

**F48** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 1 para. 30](#)

**F49** 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.](#)

**F50** S. 17(3)(a) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

**F51** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

**F52** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

**F53** 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](#)

**F54** S. 17(4A) inserted (7.1.2002) by 2001 c. 24, s. 101, [Sch. 7 para. 4\(2\)](#); S.I. 2001/4104, [art. 2\(d\)](#)



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- F55** S. 17(6) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 110, **Sch. 7 Pt. VI**
- F56** 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.**
- F57** Words in s. 17(7)(a) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 4(3)**; S.I. 2001/4104, **art. 2(d)**
- F58** S. 17(7A) inserted (3.2.1995) by 1994 c. 33, s. 160(2)(b); S.I. 1995/127, art. 2(1), **Sch. 1**

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

- C4** S. 17 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, **art. 3(jjj)**
- C5** 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)**
- C6** 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)**

**Marginal Citations**

- M7** 1995 c.46.
- M8** 1996 c.16.

<sup>F59</sup> **18** .....

**Textual Amendments**

- F59** S. 18 repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch. 11**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix C

*Amalgamations*

**19 Schemes for amalgamation of police forces.**

- (1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (in this Act referred to as an “amalgamation scheme”) and the Secretary of State may by order approve any scheme so submitted to him.
- (2) Subject to the provisions of this Act, an amalgamation scheme shall make provision with regard to the following matters—
  - (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area;
  - (b) the constitution for the purposes of paragraph (c) of this subsection in relation to that force of a [<sup>F60</sup>joint police board] consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme;
  - (c) the delegation to the [<sup>F60</sup>joint police board] of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their

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functions under this section, and such other functions as may be specified in the scheme);

(d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure [<sup>F61</sup>which the joint police board estimates will be incurred,] in the performance of the functions delegated to them;

[<sup>F62</sup>(e) arrangements for the carry-forward from one financial year (the “ carry-forward year ”) to the next by the joint police board of any money received by the board in respect of the carry-forward year from the constituent authorities under provision made under paragraph (d) above and remaining unspent at the end of the carry-forward year. ]

(e) . . . <sup>F63</sup>

(3) The reference in subsection (2)(d) of this section to the expenditure [<sup>F64</sup>which the joint police board estimates will be incurred] is a reference to so much of the net [<sup>F65</sup>estimated] expenditure of the [<sup>F66</sup>board] as is not [<sup>F67</sup>provided for by a grant made to the board under section 32 of this Act].

[<sup>F68</sup>(3A) Provision made under subsection (2)(e) above shall secure—

(a) that the money carried forward by the joint police board shall not exceed three per cent. of the total of the money paid to the board by the constituent authorities in respect of the carry-forward year; and

(b) that, in the case mentioned in subsection (3B) below, money shall be carried forward only with the consent of the Scottish Ministers.

(3B) The case is where—

(a) any money carried forward from previous carry-forward years—

(i) by virtue of arrangements such as are mentioned in subsection (2)(e) above; and

(ii) under section 32(10A) of this Act,

and remaining unspent at the end of the carry-forward year;

(b) the money carried forward by virtue of arrangements such as are mentioned in that subsection; and

(c) any money carried forward under that section,

would, taken together, amount to more than the maximum sum.

(3C) In subsection (3B) above, “ maximum sum ”, in relation to a carry-forward year, means the amount equal to five per cent. of the sum of—

(a) the total amount of grant made under section 32 of this Act to the joint police board in respect of that year; and

(b) the total amount of money paid to the board by the constituent authorities in respect of that year.

(3D) The Scottish Ministers may, by order, substitute for the percentage mentioned in—

(a) subsection (3A)(a) above; or

(b) subsection (3C) above,

such other percentage as they think fit.

(3E) An order under subsection (3D) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

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- (3F) Paragraphs (d) and (e) of subsection (2) above are not to be taken as preventing the carrying forward of any money, being money already carried forward to a financial year under arrangements made under subsection (2)(e) above 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.]
- (4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters—
- (a) the transfer of property, rights and liabilities;
  - (b) the adjustment of liabilities between the constituent authorities;
  - (c) the settlement of differences between the constituent authorities;
  - (d) the transfer to the [<sup>F60</sup>joint police board] of officers of any of the constituent authorities;
  - (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area;
  - (f) any other matters incidental to or consequential on the provisions contained in the scheme.
- <sup>F69</sup>(5) . . . . .
- (6) The expenses incurred by a constituent authority for the purpose of the payment to the [<sup>F60</sup>joint police board] of the expenditure referred to in subsection (2)(d) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.
- (7) [<sup>F70</sup>For the purposes of the <sup>M9</sup>Local Government Superannuation (Scotland) Regulations 1974] the appropriate superannuation fund in relation to the [<sup>F70</sup>pensionable employees] of a [<sup>F60</sup>joint police board] shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.
- (8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.
- (9) In this Act, unless the context otherwise requires—
- (a) any reference to a police area shall be construed as including a reference to a combined area; and
  - (b) in relation to a police force maintained for a combined area, any reference to the police authority shall be construed as a reference to the police authorities for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the [<sup>F60</sup>joint police board] by or under the amalgamation scheme.
- <sup>F71</sup>[( 10 ) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

*Status: Point in time view as at 25/06/2005.*

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

#### Textual Amendments

- F60** words in s. 19(2)(b)(c)(d)(3)(4)(d)(6)(7)(9)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F61** Words in s. 19(2)(d) substituted (11.3.2002) by 2001 asp 15, **s. 1(1)(a)(i)**; S.S.I. 2002/84, art. 2
- F62** S. 19(2)(e) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(a)(ii)**; S.S.I. 2002/84, **art. 2**
- F63** S. 19(2)(e) repealed by **Local Government (Scotland) Act 1973** (c. 65), **Sch. 29**
- F64** Words in s. 19(3) substituted (11.3.2002) by 2001 asp 15, **s. 1(1)(b)**; S.S.I. 2002/84, art. 2
- F65** Words in s. 19(3) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(b)**; S.S.I. 2002/84, **art. 2**
- F66** Words in s. 19(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F67** Words in s. 19(3) substituted (1.4.1996) by 1994 c. 39, s. 62(1), **Sch. 1 para. 2(4)**; S.I. 1997/1712, art. 3, **Sch.**
- F68** S. 19(3A)-(3F) inserted (11.3.2002) by 2001 asp 15, **s. 1(1)(c)**; S.S.I. 2002/84, **art. 2**
- F69** S. 19(5) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 71(5)(c), **Sch. 14**; S.I. 1994/323, **art. 4(1)(b)(c)(d)**
- F70** Words substituted by S.I. 1974/812, **Sch. 16 Pt. I para. 4**
- F71** S. 19(10) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(5)(d)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Marginal Citations

- M9** S.I. 1974/812

### [19A <sup>F72</sup> **Incorporation of joint police boards.**

Every amalgamation scheme made under this Act shall include provision that any joint police board established by the scheme shall be incorporated with a common seal and have power to hold land and to borrow money.]

#### Textual Amendments

- F72** S. 19A inserted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(6)**; S.I. 1994/2850, **art. 3(b)(c)(v)**

### [20 <sup>F73</sup> **Power of Secretary of State to make amalgamation schemes.**

- (1) If it appears to the Secretary of State that it is expedient in the interests of efficiency to make an amalgamation scheme for any police areas, he may, in accordance with the provisions of this section, make such amalgamation schemes, containing such provisions, as he considers appropriate.
- (2) Without prejudice to the generality of subsection (1) above, but subject to section 19A of this Act, an amalgamation scheme under this section may provide—
  - (a) for the amalgamation of any two or more police areas into a combined area;
  - (b) for the alteration of an existing combined area by the addition to or deletion from it of any police area;
  - (c) for the establishment or re-establishment and maintenance of police forces for any police area or combined area resulting from the scheme;

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

- (d) for the dissolution and winding up of any joint police board constituted under a pre-existing amalgamation scheme, or for the reconstitution of any such board;
  - (e) for the transfer or retransfer to such police forces as may be determined by the scheme of constables affected by the scheme;
  - (f) for the transfer or retransfer to such authorities as may be determined by the scheme of any officers, property, rights or liabilities affected by the scheme;
  - (g) for the doing of anything which is required to be done, or which may be done, in an amalgamation scheme made under section 19 of this Act; and
  - (h) for any other matters incidental to or consequential on the provisions of the scheme.
- (3) Before making a scheme under this section which contains provision such as is mentioned in subsection (2)(a) or (b) above the Secretary of State shall—
- (a) consult such police authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (4) A scheme under this section shall be contained in an order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F73** S. 20 substituted (1.4.1996) by 1994 c. 39, s. 35 (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), Sch. 1

## 21 Amendment and revocation of amalgamation scheme.

- <sup>F74</sup>[( 1 ) An amalgamation scheme may be amended or revoked—
- (a) in the case of a scheme made under section 19 of this Act, by a subsequent scheme made under that section or under section 20 of this Act; and
  - (b) in the case of a scheme made under section 20 or 21B of this Act, by a subsequent scheme made under section 20 of this Act,] and the foregoing provisions of this Act and the provisions of section 25 thereof and of Schedule 2 thereto shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—
- (a) for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area [<sup>F75</sup>or for the creation of any new combination of police areas;]
  - (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid;

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- (c) for the dissolution and winding up of any [<sup>F76</sup>joint police board] constituted under the original scheme, or for the reconstitution of any [<sup>F77</sup>such police board];
- (d) for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area;
- (e) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the [<sup>F76</sup>joint police board];
- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

**Textual Amendments**

- F74** Paras. (a)(b) and words substituted for words in s. 21(1) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(7)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F75** Words in s. 21(2)(a) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(7)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F76** Words in s. 21(2)(c)(e) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(7)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F77** Words in s. 21(2)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(7)(d)**; S.I. 1996/323, **art. 4(1)(b)(c)**

<sup>F78</sup>**21A** .....

**Textual Amendments**

- F78** S. 21A repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, **art. 4(1)(b)(d)**, **Sch. 2**

**[21B** <sup>F79</sup> **Reorganisation of police areas.**

- (1) Subject to the provisions of this section, the police forces established and maintained for existing police areas in Scotland under this Act immediately prior to 1st April 1996 shall continue in existence on and after that date in accordance with the provisions of this section.
- (2) The police forces for the existing police areas of Fife and Dumfries and Galloway shall be the police forces for the new police areas of the same names.
- (3) The Secretary of State shall, before 1st April 1996, by order make amalgamation schemes amalgamating the police areas mentioned in the second column of the table below into the combined police areas mentioned in the first column of that table, and the police forces for the existing police areas shown in brackets in the first column shall be the police forces for the new combined police areas.

TABLE

<i>Combined area</i>	<i>Police areas comprised</i>
Northern (Northern).	Highland, Western Isles, Orkney Islands, Shetland Islands.

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Grampian (Grampian).	Aberdeenshire, Moray, City of Aberdeen.
Tayside (Tayside).	Perthshire and Kinross, Angus, City of Dundee.
Central Scotland (Central Scotland).	Stirling, Clackmannan, Falkirk.
Lothian and Borders (Lothian and Borders).	City of Edinburgh, East Lothian, Midlothian, West Lothian, the Borders.
Strathclyde (Strathclyde).	Argyll and Bute, Dumbarton and Clydebank, City of Glasgow, East Dunbartonshire, Inverclyde, North Lanarkshire, South Lanarkshire, Renfrewshire, East Renfrewshire, East Ayrshire, North Ayrshire, South Ayrshire.

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- (4) Subject to section 19A of this Act, an amalgamation scheme made under this section may contain such provision as the Secretary of State considers necessary or appropriate for the purposes of the scheme including, without prejudice to the generality of the foregoing, any provision which is required to be made, or which may be made, in an amalgamation scheme made by virtue of section 19 of this Act.
- (5) Before making an amalgamation scheme under this section the Secretary of State shall—
- (a) consult such police authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (6) The schemes made by an order under this section shall not take effect before 1st April 1996, except in relation to—
- (a) the constitution of joint police boards; and
  - (b) the carrying out by those boards of any functions necessary to bring the schemes into operation on that date.
- (7) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

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#### **Textual Amendments**

**F79** It is provided that s. 21B is inserted (4.1.1995) by 1994 c. 39, s. 34; S.I. 1994/2850, art. 3(a), **Sch. 2**

## **22 Compensation of officers prejudicially affected by amalgamation scheme.**

- (1) If in consequence of an amalgamation scheme or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a [<sup>F80</sup>joint police board], suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in operation, be entitled to receive

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compensation under this section from such constituent authority or [<sup>F80</sup>joint police board] as may be determined by or under that scheme.

- (2) Any person who, immediately before the date on which an amalgamation scheme came into operation, was an officer employed by a constituent authority or by a [<sup>F80</sup>joint police board] and who, at any time within five years after the said date—
- (a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or
  - (b) relinquishes office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition, to those which he was required to perform immediately before that date,

shall for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.

- (3) For the purposes of the determination and payment of compensation under this section the provisions of section 318 of, and Schedule 11 to, the <sup>M10</sup>Local Government (Scotland) Act 1947 (compensation of officers of local authorities on transfer of functions) shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

#### Textual Amendments

**F80** Words in s. 22(1)(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 71(8)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Marginal Citations

**M10** 1947 c. 43.

### [<sup>F81</sup>23] **Chief constables affected by amalgamations or local government reorganisations.**

- (1) If the chief constable of a police force which ceases to exist in consequence of an amalgamation scheme, or an order under section 216 of the Local Government (Scotland) Act 1973, is not appointed as from the date when that police force ceases to exist—
- (a) chief constable of the new force, or
  - (b) constable of any rank in any other police force which exists on that date,
- he shall on that date become a constable of the new force (or, if there is more than one new force established by the amalgamation scheme or order, of such one of them as may be provided by the scheme or order) by virtue of this subsection.
- (2) While a person is a constable of a police force by virtue only of subsection (1) above he shall hold the rank of [<sup>F82</sup>assistant] chief constable, but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist.
- (3) A chief constable who becomes a constable of a police force by virtue of subsection (1) above shall, subject to regulations under Part II of this Act [<sup>F83</sup>and to subsection (3A) below], cease to be a constable thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force in some other capacity.



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<sup>F84</sup> [ If a chief constable was appointed for a term which expires within three months of his ( 3A ) becoming a constable of a police force by virtue of this section, subsection (3) above shall have effect as if the reference in it to three months were a reference to that term.]

(4) The provision to be made by regulations under section 24 of the <sup>M11</sup> Superannuation Act 1972 or section 219 of the <sup>M12</sup> Local Government (Scotland) Act 1973 with respect to the chief constable of a police force who, after becoming a constable of another police force by virtue of subsection (1) above, ceases to be a constable of that force without having accepted and taken up an appointment in that force in a capacity other than that of chief constable shall, if he was the chief constable of a police force on 15th May 1975, be not less favourable than any provision by way of pension that would have been payable to or in respect of him by virtue of the <sup>M13</sup><sup>F85</sup> Police Pensions Act 1976 ] had the first-mentioned police force been combined with another force by an amalgamation scheme under the <sup>M14</sup> Police (Scotland) Act 1956 and he had neither been transferred to the combined force nor agreed to continue to serve therein in a capacity other than that of chief constable within three months; and section 2(1)( b ) of the <sup>M15</sup><sup>F85</sup> Police Pensions Act 1976 ] shall not apply to a constable who is first appointed a chief constable on or after 16th May 1975 and who is affected by this section.

(5) The relevant authority shall offer the chief constable of a police force which ceases to exist on 16th May 1975 (other than a chief constable who has been appointed the chief constable of a new force) an appointment to take effect not later than 16th August 1975 at the rank of assistant chief constable in the relevant new force.

(6) In this section—

”new force” has the same meaning as it has for the purposes of Schedule 2 to this Act;

”relevant authority” means the police authority or, as the case may be, the <sup>F86</sup>joint police board] responsible for the appointment of the chief constable of the relevant new force;

”relevant new force” means the new force to which the majority of the constables of a police force which ceases to exist on 16th May 1975 are transferred.]

#### Textual Amendments

**F81** S. 23 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(8\)](#)

**F82** Word in s. 23(2) substituted (1.4.1995) by 1994 c. 29, s. 53(2)(a); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)

**F83** Words in s. 23(3) inserted (1.4.1995) by 1994 c. 29, s. 53(2)(b); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)

**F84** S. 23(3A) inserted (1.4.1995) by 1994 c. 29, s. 53(2)(c); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)

**F85** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 6\(b\)](#)

**F86** Words in the definition of “relevant authority” in s. 23(6) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 71\(9\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

#### Marginal Citations

**M11** 1972 c. 11.

**M12** 1973 c. 65.

**M13** 1976 c. 35.

**M14** 1956 c. 26

**M15** 1976 c. 35.

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## 24 Constables engaged on central service or on overseas police service.

- (1) Where, immediately before the date when the amalgamation scheme comes into operation, [<sup>F87</sup>a person is engaged in relevant service within the meaning of section 38A of this Act], that section shall, unless the amalgamation scheme otherwise provides, apply to him in relation to any period after the said date as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.
- (2) Nothing in subsection (1) of this section shall be construed as entitling a person who has engaged for a period of [<sup>F88</sup>relevant] service to revert to the new force as the chief constable of that force; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of his period of [<sup>F88</sup>relevant] service in pursuance of an agreement in that behalf made by him during that period, section 23(2) of this Act shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of his period of [<sup>F88</sup>relevant] service.
- (3) In this section the expressions “transferred force” and “new force” have the same meanings as they have for the purposes of Schedule 2 to this Act, <sup>F89</sup> . . .

### Textual Amendments

- F87** Words in s. 24(1) substituted (21.7.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, ss. 63(4)(a), 94(3)(c); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F88** Words in s. 24(2) substituted (1.4.1995) by 1994 c. 29, s. 63(4)(b); S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F89** Words in s. 24(3) repealed (1.4.1995) by 1994 c. 29, s. 63(4)(c), Sch. 9 Pt. I; S.I. 1995/492, art. 2, Sch. 1 (with art. 4)

### Modifications etc. (not altering text)

- C7** Power to apply s. 24 conferred by Overseas Service Act 1958 (c. 14), s. 5(2)
- C8** S. 24 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)
- C9** S. 24 modified by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), s. 11

## 25 Transitory provisions.

- (1) The transitory provisions set out in Schedule 2 to this Act shall have effect for the purposes of the alterations effected by virtue of an amalgamation scheme.
- (2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred.

### Modifications etc. (not altering text)

- C10** S. 25 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)

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## 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>F90</sup>, and the conditions of service in,] police forces.
- <sup>F91</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>F92</sup> . . . constables;
  - <sup>F93</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>F94</sup>section 64 of the Police Act 1996] (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.
- <sup>F95</sup>[(<sup>F95</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 [<sup>F96</sup>chief] 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>F95</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—

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- (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>F95</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>F97</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.

<sup>F98</sup>(7) .....

(8) ..... <sup>F99</sup>

(9) Before making regulations under this section [<sup>F100</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>F101</sup>Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

*Status: Point in time view as at 25/06/2005.*

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

### Textual Amendments

- F90** Words in s. 26(1) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(a); S.I. 1994/3075, art. 2, **Sch.**
- F91** S. 26(1A) inserted by **Police and Criminal Evidence Act 1984** (c. 60, SIF 95), s. 111(1)(a)
- F92** 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.**
- F93** 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)
- F94** 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)
- F95** 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)
- F96** Word in s. 26(2A)(b) inserted (25.6.2004) by **Criminal Justice (Scotland) Act 2003** (asp 7), ss. 75(4), 89(2); S.S.I. 2004/240, art. 2(2)
- F97** S. 26(5A) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(b); S.I. 1994/3075, art. 2, **Sch.**
- F98** 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)
- F99** S. 26(8) repealed by **Police Act 1969** (c. 63), s. 4(8)
- F100** 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)**
- F101** S. 26(10) inserted by **Police and Criminal Evidence Act 1984** (c. 60, SIF 95), s. 111(b)

### Modifications etc. (not altering text)

- C11** S. 26 amended by **Sex Discrimination Act 1975** (c. 65), s. 17(2)(8)
- C12** S. 26 amended by **Police Negotiating Board Act 1980** (c. 10, SIF 95), s. 2(b)(2)
- C13** 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
- C14** 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>F102</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—
  - (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>F103</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

- F102** 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)
- F103** 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)

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## [<sup>F104</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>F105</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

**F104** 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)

**F105** 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>F106</sup>26C Duty of compliance.

It shall be the duty of a police authority or [<sup>F107</sup>joint police board] to comply with any direction given to them under section 26A or 26B of this Act.]

### Textual Amendments

**F106** 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)

**F107** 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>F108</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.
- (3) Subsections . . . <sup>F109</sup>[<sup>F110</sup>(1A), [<sup>F111</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

**F108** 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

**F109** Words repealed by Police Act 1969 (c. 63), s. 4(8)

**F110** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(2)

**F111** 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)

**C15** S. 27 amended by Superannuation (Miscellaneous Provisions) Act 1967 (c. 28), s. 13 and Sex Discrimination Act 1975 (c. 65), s. 17(2)(8)

**C16** S. 27 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(b)(2)(3)

*Status: Point in time view as at 25/06/2005.*

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

**C17** 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>F112</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>F113</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

**F112** 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)

**F113** 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>F114</sup>Subsections (3) to (8) of section 210 of the <sup>M16</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.

(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

**F114** Words substituted by virtue of Local Government (Scotland) Act 1973 (c. 65), s. 146(6)

### Marginal Citations

**M16** 1973 c. 65.

## [30 <sup>F115</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

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

- 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>M17</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

**F115** 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.

#### Marginal Citations

**M17** 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>F116</sup>the deputy or][<sup>F117</sup>[<sup>F118</sup>an] assistant chief constable] the Secretary of State shall give the [<sup>F119</sup>officer in respect of whom the power is to be exercised] 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



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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>F120</sup>or deputy]<sup>F121</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

**F116** Words in s. 31(2) inserted (25.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 75(5)(a)(i), 89(2); S.S.I. 2004/240, art. 2(2)

**F117** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), **Sch. 6 para. 33**

**F118** 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)

**F119** Words in s. 31(2) substituted (25.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 75(5)(a)(ii), 89(2); S.S.I. 2004/240, art. 2(2)

**F120** Words in s. 31(4) inserted (25.6.2004) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 75(5)(b), 89(2); S.S.I. 2004/240, art. 2(2)

**F121** 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>F122</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>F123</sup>Scottish Ministers shall]] by order determine—
- the aggregate amount of grants to be made under subsection (1) above; and
  - 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>F124</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.

*Status: Point in time view as at 25/06/2005.*

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

- (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>F125</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>F126</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—
    - (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—

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- (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>M18</sup>Local Government Finance Act 1992.

#### Textual Amendments

- F122** S. 32 substituted (21.3.1997) by 1997 c. 48, ss. 45(1), 65(2) (with s. 33)
- F123** Words in s. 32(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 41(a); S.I. 1998/3178, art. 3
- F124** Words in s. 32(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 41(b); S.I. 1998/3178, art. 3
- F125** Words in s. 32(10) inserted (11.3.2002) by 2001 asp 15, s. 1(2)(a); S.S.I. 2002/84, art. 2
- F126** S. 32(10A)-(10K) inserted (11.3.2002) by 2001 asp 15, s. 1(2)(b); S.S.I. 2002/84, art. 2

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

- C18** S. 32(1) excluded (21.3.1997) by 1997 c. 48, ss. 45(2), 65(2) (with s. 33)

#### Marginal Citations

- M18** 1992 c.14.

### [32A <sup>F127</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>F128</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>F129</sup>(3) Subject to subsection (4), the Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

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- (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

- F127** S. 32A inserted (1.1.1995) by 1994 c. 29, s. 56; S.I. 1994/3075, art. 2, Sch.  
**F128** 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)  
**F129** 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)

- C19** 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>F130</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>F131</sup>Scottish Ministers] may determine.
- <sup>F132</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>F133</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.
- (4) Such of the inspectors of constabulary as may be directed in that behalf by the <sup>F134</sup>Scottish Ministers] shall annually, at such times as may be so directed, submit to the <sup>F134</sup>Scottish Ministers] a written report on the state and efficiency of the police forces generally <sup>F133</sup>and the National Criminal Intelligence Service], and the <sup>F134</sup>Scottish Ministers] shall cause a copy of every such annual report to be laid before each House of Parliament.

#### Textual Amendments

- F130** 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  
**F131** 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  
**F132** S. 33(3) substituted (1.1.1995) by 1994 c. 29, s. 57; S.I. 1994/3075, art. 2, Sch.

*Status: Point in time view as at 25/06/2005.*

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

**F133** 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)**

**F134** 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**

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

**C20** S. 33 power to apply conferred (7.4.2005) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 27(2)(a)(ii)**, 53(1); S.I. 2005/1126, art. 2(1)

**34 Assistant inspectors and staff officers.**

[<sup>F135</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>F136</sup>Scottish Ministers may] determine.

**Textual Amendments**

**F135** 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.**

**F136** 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**

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

**C21** S. 34 power to apply conferred (7.4.2005) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 27(2)(a)(ii)**, 53(1); S.I. 2005/1126, art. 2(1)

**C22** S. 34 modified (29.4.2005) by **Revenue and Customs (Inspections) Regulations 2005** (S.I. 2005/1133), regs. 1, **10(2)**

**35** ..... <sup>F137</sup>

**Textual Amendments**

**F137** Ss. 35, 38(4) repealed by **Police Pensions Act 1976** (c. 35), **Sch. 3**

*Common services*

[<sup>F138</sup>**36 Common services.**

(1) The Secretary of State may—

(a) himself—

(i) provide and maintain facilities and services; or

(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,

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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>F139</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

**F138** S. 36 substituted (1.4.1997) by 1997 c. 48, s. 46(1)(3)

**F139** 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)

**C23** S. 36(3) modified (1.4.1997) by 1997 c. 48, ss. 46(4)(5), 65(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.

*Status: Point in time view as at 25/06/2005.*

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

### 38 Central service on police duties.

<sup>F140</sup>(1) . . . . .

<sup>F140</sup>(2) . . . . .

<sup>F140</sup>(3) . . . . .

[<sup>F141</sup>(3A) Notwithstanding anything in [<sup>F142</sup>section 38A(3) of this Act], a person engaged on central service [<sup>F143</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>F141</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>F144</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>F145</sup>

(5) In this section—

[ “<sup>F146</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>F147</sup>  
. . . . .

#### Textual Amendments

- F140** 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.**
- F141** 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)**
- F142** 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)
- F143** 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)**
- F144** 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)
- F145** Ss. 35, 38(4) repealed by Police Pensions Act 1976 (c. 35), **Sch. 3**

*Status: Point in time view as at 25/06/2005.*

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

- F146** Definition of “central service” in s. 38(5) substituted (1.4.1997) by 1997 c. 48, s. 46(2)(3) (with s. 33)
- F147** 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>F148</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>F149</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;]
    - <sup>F150</sup>(ab) [ temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) (service with the Independent Police Complaints Commission);]
  - (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>F151</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>M19</sup> Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
    - <sup>F152</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>F153</sup> . . .
  - (e) service pursuant to an appointment under section 10 of the <sup>M20</sup> Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority <sup>F154</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>M21</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
  - (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



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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>M22</sup> Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M23</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), [<sup>F155</sup>(aa),] (b) [<sup>F156</sup>(ba) or (bb)] [<sup>F157</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>M24</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>F158</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>F159</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

- F148** S. 38A inserted (1.4.1995) by 1994 c. 29, s. 60; S.I. 1995/492, art. 2, Sch. 1 (with art. 4)
- F149** 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)
- F150** S. 38A(1)(ab) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), Sch. 7 para. 1(1); S.I. 2004/913, art. 2(e)
- F151** 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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*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed). (See end of Document for details)*

- F152** 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
- F153** 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**
- F154** 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**
- F155** Word in s. 38A(6)(a) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 7 para. 1(2)**; S.I. 2004/913, art. 2(e)
- F156** 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)**
- F157** 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**
- F158** 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
- F159** 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

- M19** 1945 c. 17.  
**M20** 1980 c. 63.  
**M21** 1976 c. 35.  
**M22** 1976 c. 35.  
**M23** 1945 c. 17.  
**M24** 1945 c. 17.

## PART III

### MISCELLANEOUS AND GENERAL

#### *Remedies and complaints against police*

#### **39 Liability for wrongful acts of constables.**

- (1) The chief constable of a police force shall be liable in [<sup>F160</sup>for any unlawful conduct] on the part of any constable [<sup>F161</sup>or police custody and security officer] under his general direction in the performance or purported performance of his functions in like manner as a master is so liable [<sup>F162</sup>for any unlawful conduct] on the part of his servant in the course of the servant's employment.
- (2) The police authority shall pay—
- any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - any sum required in connection with the settlement of any claim made against the chief constable of a police force by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief constable for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief constable;

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and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.

- (4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of the police force maintained for their area, or any constable for the time being required to serve with that force by virtue of section 11 of this Act <sup>F163</sup> <sup>F164</sup> . . . section 98 of the Police Act 1996] <sup>F165</sup> or section 23 of the Police Act 1997] <sup>F166</sup> or any police custody and security officer employed or appointed by them], in proceedings arising from any <sup>F167</sup>unlawful conduct] on the part of that constable, any expenses incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.
- <sup>F168</sup>(5) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief constable of that force; and
  - (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
- (6) In this section “ international joint investigation team ” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- <sup>F169</sup>(8) This section is without prejudice to any obligation or indemnity arising by virtue of a contract entered into under section 9(1)(b) of this Act.]

#### Textual Amendments

- F160** Words in s. 39(1) substituted (1.10.2002) by 2002 c. 30, s. 102(7)(a); S.S.I. 2002/420, art. 2
- F161** Words in s. 39(1) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(4)(a), 89(2); S.S.I. 2003/288, art. 2, Sch.
- F162** Words in s. 39(1) substituted (1.10.2002) by 2002 c. 30, s. 102(7)(b); S.S.I. 2002/420, art. 2
- F163** Word in s. 39(4) repealed (1.4.1998) by 1996 c. 16, s. 134(2), Sch. 10; S.I. 1998/354, art. 2(1)(2)(ay) (bc)
- F164** Words in s. 39(4) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7 Pt. II para. 15
- F165** Words in s. 39(4) inserted (1.4.1998) by 1996 c. 16, s. 134(1), Sch. 9 para. 15; S.I. 1998/354, art. 2(1)(2)(ay)(bb)
- F166** Words in s. 39(4) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(4)(b), 89(2); S.S.I. 2003/288, art. 2, Sch.

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

- F167** Words in s. 39(4) substituted (1.10.2002) by 2002 c. 30, s. 102(8); S.S.I. 2002/420, art. 2  
**F168** S. 39(5)-(7) inserted (1.10.2002) by 2002 c. 30, s. 103(4); S.S.I. 2002/420, art. 2  
**F169** S. 39(8) added (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 76(4)(c), 89(2); S.S.I. 2003/288, art. 2, Sch.

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

- C24** S. 39 excluded (*prosp.*) by 1994 c. 37, s. 51A(2B) (as inserted (*prosp.*) by 2002 c. 30, ss. 95(4), 108(2))  
**C25** S. 39 excluded by 1974 c. 37, s. 51A(2D)(2E)(a) (as inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(1), 178(1)(a) (with s. 158(5)-(7)))

**40 Information as to manner of dealing with complaints.**

Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against constables are dealt with by the chief constable.

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

- C26** S. 40 power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

**[40A]** <sup>F170</sup> **Examination of handling of complaints against constables.**

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A)(a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
  - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
  - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—
  - (a) the Secretary of State may require the inspectors of constabulary to submit to him, and

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- (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them, a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.]

#### Textual Amendments

**F170** S. 40A inserted (1.8.1996) by 1994 c. 29, s. 61; S.I. 1996/1646, art. 2, Sch. (with art. 3)

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

**C27** S. 40A power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

### *Offences and legal proceedings*

#### **41 Assaults on constables, etc.**

(1) Any person who—

- (a) assaults, resists, obstructs, molests or hinders a constable [<sup>F171</sup>or police custody and security officer] in the execution of his duty or a person assisting a constable [<sup>F172</sup>or any such officer] in the execution of his duty, or
- (b) rescues or attempts to rescue, or assists or attempts to assist the escape of, any person in custody,

shall be guilty of an offence and on summary conviction shall be liable—

- (i) where he has not, within the period of two years immediately preceding the commission of the said offence, been convicted of an offence against this section, to a fine not exceeding [<sup>F173</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
- (ii) where he has, within the first-mentioned period, been convicted of an offence against this section, to imprisonment for a period not exceeding nine months [<sup>F174</sup>or to a fine not exceeding the prescribed sum within the meaning of [<sup>F175</sup>section 225(8) of the Criminal Procedure (Scotland) Act 1995], or to both.]

(2) The reference in subsection (1) of this section to a person in custody shall be construed as a reference to a person—

- (a) who is in the lawful custody of a constable [<sup>F176</sup>or police custody and security officer] or any person assisting a constable [<sup>F177</sup>or any such officer] in the execution of his duty, or
- (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

<sup>F178</sup>[( 3 ) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.]

<sup>F179</sup>(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

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- (a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
  - (b) is carrying out his functions as a member of that team.
- (5) In this section “ international joint investigation team ” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F171** Words in s. 41(1)(a) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(5)(a)(i)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F172** Words in s. 41(1)(a) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(5)(a)(ii)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F173** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G** and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (1.4.1996) that s. 41(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50
- F174** Words added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **s. 57**
- F175** Words in s. 41(1)(b)(ii) substituted (1.8.1997) by [1997 c. 48, s. 62\(1\), Sch. 1 para. 2\(5\)](#); S.I. 1997/1712, art. 3, Sch.
- F176** Words in s. 41(2)(a) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(5)(b)(i)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F177** Words in s. 41(2)(a) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(5)(b)(ii)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F178** S. 41(3) inserted (3.2.1995) by [1994 c. 33, s. 168\(2\), Sch. 10 para. 18](#); S.I. 1995/127, art. 2(1), **Sch. 1 Appendix B**
- F179** S. 41(4)-(6) inserted (1.10.2002) by [2002 c. 30, s. 104\(2\)](#); S.S.I. 2002/420, **art. 2**

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

- C28** S. 41 modified (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 84(2)**, 94(1); S.I. 2004/786, art. 3(1)(2)
- C29** S. 41(1)(2) modified (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(1)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

## 42 Causing disaffection.

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the constables of any police force [<sup>F180</sup>or of the British Transport Police Force], or who induces, or attempts to induce, or does any act calculated to

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induce, any constable to withhold his services <sup>F181</sup>. . . , shall be guilty of an offence, and shall be liable—

- (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
  - (b) on conviction on indictment, to imprisonment for a period not exceeding two years.
- (2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable [<sup>F182</sup>or a member of the British Transport Police Force].

[<sup>F183</sup>(3) In this section—

- (a) references to the constables of any police force include references to the members of the Civil Nuclear Constabulary; and
- (b) references to a constable include references to a member of that Constabulary.]

#### Textual Amendments

**F180** Words in s. 42(1) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 5(2)**; S.I. 2001/4104, **art. 2(d)**

**F181** Words in s. 42(1) repealed (1.8.1996) by 1994 c. 29, ss. 63(8), 93, **Sch. 9 Pt. I**; S.I. 1996/1646, **art. 2, Sch.** (with **art. 3**)

**F182** Words in s. 42(2) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 5(3)**; S.I. 2001/4104, **art. 2(d)**

**F183** S. 42(3) inserted (1.4.2005) by Energy Act 2004 (c. 20), **ss. 68(4)**, 198(2); S.I. 2005/877, **art. 2(1)**, Sch. 1

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

**C30** Amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, **art. 3(jjj)**

### 43 Impersonation, etc.

(1) Subject to the provisions of this section, any person who—

- (a) takes the name, designation or character of a constable [<sup>F184</sup>or police custody and security officer] for the purpose of obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or
- (b) wears any article of police uniform without [<sup>F185</sup>being a member of the Civil Nuclear Constabulary or having] the permission of the police authority for the police area in which he is, or
- (c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof.

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding [<sup>F186</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months.

(2) Nothing in subsection (1) of this section shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast.

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[<sup>F187</sup>(2A) For the purposes of this section—

- (a) “ constable ” includes a member of the British Transport Police Force, and
- (b) any reference to “ police ” includes a reference to that force. ]

(3) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark usually issued by any police authority [<sup>F188</sup>or by the Civil Nuclear Police Authority][<sup>F189</sup>or by the British Transport Police Committee] to constables [<sup>F190</sup>or police custody and security officers], or any article having the appearance of such article, badge or mark.

[<sup>F191</sup>(3A) In its application to articles of the uniform of the Civil Nuclear Constabulary, subsection (1)(b) has effect as if for the words “or having the permission of the police authority for the police area in which he is” there were substituted the words “ and in circumstances where it gives him an appearance so nearly resembling that of a constable as to be calculated to deceive ”.

(3B) For the purposes of this section—

- (a) “constable” includes a member of the Civil Nuclear Constabulary; and
- (b) any reference to “police” includes a reference to that Constabulary.]

[<sup>F192</sup>(4) In its application to articles of British Transport Police Force uniform, subsection (1) (b) has effect as if for the words “without the permission of the police authority for the police area in which he is” there were substituted the words “in circumstances where it gives him an appearance so nearly resembling that of a constable as to be calculated to deceive”.]

#### Textual Amendments

**F184** Words in s. 43(1)(a) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(6)(a)**, 89(2); S.S.I. 2003/288, art. 2, Sch.

**F185** Words in s. 43(1)(b) inserted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(5)(a)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

**F186** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 7D** and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III** it is provided (1.4.1996) that s. 43(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale or 3 months instead of a fine not exceeding £50

**F187** S. 43(2A) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 6(2)**; S.I. 2001/4104, **art. 2(d)**

**F188** Words in s. 43(3) inserted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(5)(b)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

**F189** Words in s. 43(3) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 6(3)**; S.I. 2001/4104, **art. 2(d)**

**F190** Words in s. 43(3) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(6)(b)**, 89(2); S.S.I. 2003/288, art. 2, Sch.

**F191** S. 43(3A)(3B) inserted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(6)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

**F192** S. 43(4) inserted (7.1.2002) by 2001 c. 24, s. 101, **Sch. 7 para. 6(4)**; S.I. 2001/4104, **art. 2(d)**

#### 44 Offences by constables.

- (1) Any constable who wilfully absents himself from duty otherwise than in accordance with regulations made under Part II of this Act shall be guilty of an offence.



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- (2) Any constable [<sup>F193</sup>or police custody and security officer] who neglects or violates his duty shall be guilty of an offence.
- (3) Any constable [<sup>F194</sup>or any such officer] who fails without reasonable excuse to return to his chief constable (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so, any accoutrements or clothing which have been issued to him for the execution of his duty shall be guilty of an offence.
- (4) Any person who has been a constable [<sup>F195</sup>or such an officer] of a police force and has failed without reasonable excuse to return to the chief constable of that force (or other person appointed by the chief constable for the purpose), when he ceased to be a constable [<sup>F195</sup>or such an officer] of the force, any accoutrements or clothing which were issued to him for the execution of his duty shall be guilty of an offence.
- (5) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding [<sup>F196</sup>level 3 on the standard scale] or to imprisonment for a period not exceeding sixty days.

#### Textual Amendments

- F193** Words in s. 44(2) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(7)(a)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F194** Words in s. 44(3) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(7)(b)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F195** Words in s. 44(4) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(7)(c)**, 89(2); S.S.I. 2003/288, art. 2, Sch.
- F196** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 7D** and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III** it is provided (1.4.1996) that s. 44(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 3 on the standard scale or 60 days instead of a fine not exceeding £10

## 45 Warrant to search for police accoutrements and clothing.

If a sheriff, [<sup>F197</sup>or justice of the peace] is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable [<sup>F198</sup>or a police custody and security officer] for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, he may grant a warrant to any constable named therein to enter and search the said premises or place at any reasonable hour, if necessary by force, and to seize and detain any of the said accoutrements or clothing which he may find therein.

#### Textual Amendments

- F197** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **Sch. 1 para. 32**
- F198** Words in s. 45 inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(8)**, 89(2); S.S.I. 2003/288, art. 2, Sch.

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*Miscellaneous*

**46 Rewards.**

- (1) Subject to the provisions of this section, on the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—
  - (a) to any constable (other than the chief constable) of the police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or
  - (b) to any constable (other than the chief constable) of another police force who, while serving with the first-mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements [<sup>F199</sup>or of section 98 of the Police Act 1996 (cross-border aid of one police force by another)], has in their opinion conducted himself in the performance of his duty with exceptional merit, or
  - (c) to any person who in their opinion has substantially contributed to the fulfilment of the functions of the police force.
- (2) ..... <sup>F200</sup>

**Textual Amendments**

**F199** Words in s. 46(1)(b) inserted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 2(6)**; S.I. 1997/1712, art. 3, **Sch.**

**F200** S. 46(2) repealed by **Local Government (Miscellaneous Provisions) (Scotland) Act 1981** (c. 23, SIF 81:2), ss. 25, 41, **Sch. 2 para. 13** and Sch. 4

**47 Criminal statistics.**

- (1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force is maintained, showing for [<sup>F201</sup>such period as the Secretary of State may specify in the direction]—
  - (a) the number of offences reported to the police;
  - (b) the number of persons taken into custody by the police;
  - (c) the nature of the charges made against such persons respectively;
  - (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings;
  - (e) such further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.
- [<sup>F202</sup>(2) The Secretary of State shall prepare such reports as he considers appropriate from such statements as he receives by virtue of subsection (1) above; and he shall lay any such report before Parliament and send a copy of it to each police authority.]
- (3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—
  - (a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and

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- (b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may be available to the clerk and necessary for the purpose.

#### Textual Amendments

**F201** Words in s. 47(1) substituted (1.1.1995) by 1994 c. 29, s. 62(a); S.I. 1994/3075, art. 2, Sch.

**F202** S. 47(2) substituted (1.1.1995) by 1994 c. 29, s. 62(b); S.I. 1994/3075, art. 2, Sch.

### Supplemental

#### 48 Regulations, rules and orders.

- (1) The Secretary of State shall have power to make regulations prescribing anything which may be prescribed under this Act (except Schedule 3 thereto).
- (2) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.
- (3) Any power conferred by this Act to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

#### 49 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Secretary of State under this Act; and
  - (b) any increase attributable to this Act in the sums payable out of moneys so provided under any enactment.
- (2) Any sums which by virtue of any provision of this Act are received by the Secretary of State from police authorities or joint police committees, or deducted by him from moneys otherwise payable by him to any such authority or committee, shall be paid into the Exchequer.

#### 50 Meaning of “police area”, etc.

Except where the context otherwise requires, in this Act . . . <sup>F203</sup>

- (a) “police area” or “police district” means a police area within the meaning of section 1(2) of this Act as read with section 19(9)(a) thereof, and “combined area” means the area consisting of the police areas combined by an amalgamation scheme;
- (b) “police authority” has the meaning assigned to it by section 2(1) of this Act as read with section 19(9)(b) thereof;
- (c) “police force” means a police force maintained under this Act for a police area or a combined area;
- (d) any reference—
  - (i) to the chief officer of a police force shall be construed as a reference to the chief constable of that force;

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- (ii) to the chief constable or chief officer of police of, or appointed for, any area or district shall be construed as a reference to the chief constable of the police force maintained for the police area comprising that area or district;

and any reference to the chief constable, or chief officer, of a police force shall be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence of the chief constable from duty, is responsible for performing the functions of that office;

- (e) references to payments into or out of the police fund shall be construed as references to payments to or by the police authority.

**Textual Amendments**  
**F203** Words repealed by [Interpretation Act 1978 \(c. 30\)](#), [Sch. 3](#)

**51 General interpretation.**

- (1) In this Act unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

“amalgamation scheme” means a scheme made under section 19 [F204 section 20 or section [F205 21B]] of this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme;

[F206 [F207 “ British Transport Police Force ” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix); ] [F208

.....  
“constable” means a constable (including the chief constable) of a police force; [F209

[F210 “ constituent authority ” means a police authority whose area is included in a combined area by virtue of an amalgamation scheme; ]

“enactment” includes an order, regulation, rule, or other instrument having effect by virtue of an Act;

“functions” includes powers and duties;

“Joint Central Committee” means the three central committees of the Police Federation for Scotland sitting together as a joint committee;

“land” includes land covered by water;

“officer” includes “servant”;

[F211 “ police custody and security officer ” shall be construed in accordance with section 9(1A) of this Act; ]

“prescribe” (except in Schedule 3 to this Act) means prescribe by regulations made under this Act, and “prescribed” shall be construed accordingly;

“rank” means a rank prescribed under section 7 of this Act.

- (2) .....

- (3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.

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

- [<sup>F213</sup>(3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.]
- (4) Except where the context otherwise requires, in this Act . . . <sup>F214</sup> any reference to a constable (other than the chief constable) of, or appointed for, any area or district shall be construed as a reference to a constable (other than the chief constable) of the police force maintained for the police area comprising that area or district.
- (5) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.
- (6) Without prejudice to the provisions of section 52 of this Act, in this Act the expression “under this Act”, and any other expression describing any matter or thing by reference to this Act or to any provision of this Act, shall, if and so far as the context permits, be construed as including a reference to any enactment repealed by this Act or by the <sup>M25</sup>Police (Scotland) Act 1956 or by the <sup>M26</sup>Police Act 1964 or to the corresponding provision of any enactment so repealed.

#### Textual Amendments

- F204** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(9\)](#)
- F205** Figure in the definition of “amalgamation scheme” in s. 51(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 71\(16\)\(a\)](#); [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F206** Definition “British Transport Police Force” in s. 51(1) ceases to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\), Sch. 5 para. 4\(1\)\(b\)](#); [S.I. 2004/1572, art. 3\(jjj\)](#)
- F207** S. 51(1): definition of “British Transport Police Force” inserted (7.1.2002) by [2001 c. 24, s. 101, Sch. 7 para. 7](#); [S.I. 2001/4104, art. 2\(d\)](#)
- F208** Definition of “burgh” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F209** Definitions of “regular constable”, “special constable” and “temporary constable” in s. 51(1) repealed (13.12.1995) by [1994 c. 29, ss. 63\(9\)\(a\), 93, Sch. 9 Pt. I](#); [S.I. 1995/3003, art. 2, Sch.](#)
- F210** Definition of “constituent authority” in s. 51(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 71\(16\)\(b\)](#); [1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F211** Definition “police custody and security officer” in s. 51(1) inserted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 76\(9\), 89\(2\)](#); [S.S.I. 2003/288, art. 2, Sch.](#)
- F212** S. 51(2) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), Sch. 29](#)
- F213** S. 51(3A) inserted (1.1.1995) by [1994 c. 29, s. 63\(9\)\(b\)](#); [S.I. 1994/3075, art. 2, Sch.](#)
- F214** Words repealed by [Interpretation Act 1978 \(c. 30\), Sch. 3](#)

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

- C31** S. 51 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), Sch. 5 para. 4](#); [S.I. 2004/1572, art. 3\(jjj\)](#)

#### Marginal Citations

- M25** 1956 c. 26.  
**M26** 1964 c. 48.

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

## 52 Consequential amendments, repeals and savings.

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act :

Provided that the amendments of section 5(5)(a) of the <sup>M27</sup>Homicide Act 1957 contained in the said Schedule shall have effect only on the reviver of that Act by virtue of section 4 of the <sup>M28</sup>Murder (Abolition of Death Penalty) Act 1965.

- (2) The enactments mentioned in Schedule 5 to this Act, of which those in Part II of that Schedule are spent or are superseded by the provisions of subsequent enactments, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (3) Nothing in this Act shall affect any order, regulation, rule, scheme, agreement or appointment made, or direction given, or any other thing done, under any enactment repealed by this Act or by the <sup>M29</sup>Police (Scotland) Act 1956 or by the <sup>M30</sup>Police Act 1964, but any such order, regulation, rule, scheme, agreement, appointment, direction or thing shall, if and so far as it is in force at the commencement of this Act, continue in force so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect, and be treated, as if it had been made, given or done under that corresponding provision.
- (4) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred before the commencement of this Act under any enactment.
- (5) Where a constable of a police force, with the consent of the chief constable, has undertaken temporary service as a member of the instructing staff of any central training institution established under section 29(1) of the <sup>M31</sup>Police (Scotland) Act 1956 (central training and other common services), so much of that service as fell before 1st August 1964 shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force.
- (6) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, an offence committed by that person against the corresponding provision of any enactment repealed by this Act shall be deemed to have been committed against the first-mentioned provision.
- (7) So much of any enactment or other document as refers expressly or by implication to any enactment repealed by this Act or by the <sup>M32</sup>Police (Scotland) 1956 or by the <sup>M33</sup>Police Act 1964 shall, in so far as the context permits and as may be necessary to preserve the effect of the first-mentioned enactment or other document, be construed as referring, or (as the case may require) as including a reference, to this Act or the corresponding enactment therein.
- (8) Nothing in this section or in section 51 of this Act, and nothing in Schedule 4 to this Act, shall be taken as affecting the general application of [ <sup>F215</sup>sections 16(1) and 17(2) (a) of the <sup>M34</sup>Interpretation Act 1978] with regard to the effect of repeals.

### Textual Amendments

**F215** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

*Status: Point in time view as at 25/06/2005.*

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

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

- C32** The text of s. 52(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M27** 1957 c. 11  
**M28** 1965 c. 71.  
**M29** 1956 c. 26.  
**M30** 1964 c. 48.  
**M31** 1956 c. 26.  
**M32** 1956 c. 26.  
**M33** 1964 c. 48.  
**M34** 1978 c. 30.

**53 Short title, extent and commencement.**

- (1) This Act may be cited as the Police (Scotland) Act 1967.
- (2) The following provisions of this Act shall extend to the whole of Great Britain, namely, section 18; section 52(1) and Schedule 4, so far as they relate to enactments which so extend; and section 52(2) and Schedule 5, so far as they relate to section 5 of the <sup>M35</sup>Police (Scotland) Act 1956 and to the <sup>M36</sup>Police Act 1964; but save as aforesaid this Act shall extend to Scotland only.
- (3) This Act (except section 39 thereof) shall come into force at the expiration of a period of three months beginning with the date on which it is passed; and section 39 of this Act shall come into force on such date as the Secretary of State may by order appoint, and the order may be made with retrospective effect to any date specified in the order not being earlier than 10th June 1964.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (except section 39 thereof) comes into force.

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

- C33** 1.1.1970 appointed under s. 53(3) by [S.I. 1969/1796](#)

**Marginal Citations**

- M35** 1956 c. 26.  
**M36** 1964 c. 48.

**Status:**

Point in time view as at 25/06/2005.

**Changes to legislation:**

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