



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART I

#### ORGANISATION OF POLICE FORCES

##### *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>F1</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>F1</sup>joint police board] of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their 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 incurred by the [<sup>F1</sup>joint police board] in the performance of the functions delegated to them;

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(e) . . . <sup>F2</sup>

(3) The reference in subsection (2)(d) of this section to the expenditure incurred by the [<sup>F1</sup>joint police board] is a reference to so much of the net expenditure of the [<sup>F3</sup>board] as is not [<sup>F4</sup>provided for by a grant made to the board under section 32 of this Act].

(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>F1</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>F5</sup>(5) . . . . .

(6) The expenses incurred by a constituent authority for the purpose of the payment to the [<sup>F1</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>F6</sup>For the purposes of the <sup>M1</sup>Local Government Superannuation (Scotland) Regulations 1974] the appropriate superannuation fund in relation to the [<sup>F6</sup>pensionable employees] of a [<sup>F1</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>F1</sup>joint police board] by or under the amalgamation scheme.

[<sup>F7</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.]

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#### Textual Amendments

- F1** 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)**
- F2** S. 19(2)(e) repealed by **Local Government (Scotland) Act 1973** (c. 65), **Sch. 29**
- F3** 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)**
- F4** 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.**
- F5** 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)**
- F6** Words substituted by S.I. 1974/812, **Sch. 16 Pt. I para. 4**
- F7** 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

- M1** S.I. 1974/812

### [19A] <sup>F8</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

- F8** 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>F9</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;
  - (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;

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- (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

**F9** 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>F10</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>F11</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;
  - (c) for the dissolution and winding up of any [<sup>F12</sup>joint police board] constituted under the original scheme, or for the reconstitution of any [<sup>F13</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>F12</sup>joint police board];

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- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

**Textual Amendments**

- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)**

**F14** **21A** .....

**Textual Amendments**

- F14** **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** **F15** **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.
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.

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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.

- (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.]

#### Textual Amendments

**F15** 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>F16</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 compensation under this section from such constituent authority or <sup>F16</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>F16</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

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- (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>M2</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

**F16** 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

**M2** 1947 c. 43.

### [<sup>F17</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>F18</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>F19</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.

[ If a chief constable was appointed for a term which expires within three months of his <sup>F20</sup>(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>M3</sup>Superannuation Act 1972 or section 219 of the <sup>M4</sup>Local Government (Scotland) Act 1973 with respect to the chief constable of a police force who, after becoming a constable of another

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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 [F21M5Police Pensions Act 1976] had the first-mentioned police force been combined with another force by an amalgamation scheme under the M6Police (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 [F21M7Police 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 [F22joint 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

- F17** S. 23 substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(8\)](#)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 6\(b\)](#)
- F22** 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

- M3** 1972 c. 11.
- M4** 1973 c. 65.
- M5** 1976 c. 35.
- M6** 1956 c. 26
- M7** 1976 c. 35.

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

- (1) Where, immediately before the date when the amalgamation scheme comes into operation, [F23a 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



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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>F24</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>F24</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>F24</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>F25</sup>. . .

#### Textual Amendments

- F23** 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)
- F24** 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)
- F25** 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)

- C1** Power to apply s. 24 conferred by Overseas Service Act 1958 (c. 14), s. 5(2)
- C2** S. 24 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)
- C3** 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)

- C4** S. 25 extended by Local Government (Scotland) Act 1973 (c. 65), s. 146(10)

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