



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART I

#### ORGANISATION OF POLICE FORCES

##### *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>F1</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>F1</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>F2</sup>appropriate Ministers].

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- [<sup>F3</sup>(5) This section shall apply in relation to the [<sup>F4</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>F5</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

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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>F6</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>F7</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

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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>F8</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>F9</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>F10</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>F11</sup>or the Civil Nuclear Constabulary], any determination under subsection (3) shall be made, and any directions under subsection (5) shall be given, by the Scottish Ministers and the Secretary of State, acting jointly.]

#### Textual Amendments

- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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
- F11** 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)**

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**[12A] <sup>F12</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.
- (7) The provisions of this section are without prejudice to the <sup>M1</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M2</sup>Overseas Development and Co-operation Act 1980.]

**Textual Amendments**

**F12** S. 12A inserted (21.7.1994) by 1994 c. 29, ss. 50, 94(3)(b)

**Marginal Citations**

**M1** 1945 c. 17.

**M2** 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.

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## 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>F13</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 [F14sheriff 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 [F14sheriff principal] does not include a [F14sheriff].

### Textual Amendments

**F13** 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.**

**F14** 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 [F15July] in each year submit to the police authority a [F16report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects,] the policing, during the [F17twelve 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 [F18sheriff principal] having jurisdiction in any part of the area . . .<sup>F19</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

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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>F19</sup> to any [<sup>F18</sup>sheriff principal] a report on matters which are not connected with the policing, . . . <sup>F19</sup> of places in which the [<sup>F18</sup>sheriff principal] has jurisdiction.
- (6) In this section [<sup>F18</sup>sheriff principal] does not include a [<sup>F18</sup>sheriff].

#### Textual Amendments

- F15** 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))
- F16** Words in s. 15(1) substituted (1.1.1995) by 1994 c. 29, s. 51(b); S.I. 1994/3075, art. 2, Sch.
- F17** 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))
- F18** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F19** Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

## 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>F20</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

- F20** 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)

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