



Police (Scotland) Act 1967 (repealed)

1967 CHAPTER 77

PART II

CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

Common services

[^{F1}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,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

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- (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.]
- [^{F2}(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

F1 S. 36 substituted (1.4.1997) by 1997 c. 48, s. 46(1)(3)

F2 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)

C1 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.

38 Central service on police duties.

- ^{F3}(1)
- ^{F3}(2)
- ^{F3}(3)

[^{F4}(3A) Notwithstanding anything in [^{F5}section 38A(3) of this Act], a person engaged on central service [^{F6}, 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.]

[^{F4}(3B) The Secretary of State shall be liable in reparation in respect of any wrongful act or omission on the part of any constable engaged on central service in the performance or

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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) ^{F7}

(5) In this section—

[^{F8}“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;

^{F9}
...

Textual Amendments

- F3** 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.**
- F4** 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)**
- F5** 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)
- F6** 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)**
- F7** Ss. 35, 38(4) repealed by **Police Pensions Act 1976** (c. 35), **Sch. 3**
- F8** Definition of “central service” in s. 38(5) substituted (1.4.1997) by 1997 c. 48, s. **46(2)(3)** (with s. 33)
- F9** 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.**

[^{F10}**38A Constables engaged on service outside their force.**

(1) For the purposes of this section “relevant service” means—

- (a) temporary service on which a person is engaged in accordance with arrangements made under section 12A(2) of this Act,
- (b) central service (as defined by section 38(5) of this Act) on which a person is engaged with the consent of the appropriate authority,

[temporary service with the National Criminal Intelligence Service on which ^{F11}(ba) 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;]

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- (c) service the expenses of which are payable under section 1(1) of the ^{M1}Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
 - ^{F12}(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, ^{F13} . . .
 - (e) service pursuant to an appointment under section 10 of the ^{M2}Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority ^{F14}, 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 ^{M3}Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
 - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 26 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) of this section to regulations made under the ^{M4}Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the ^{M5}Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
 - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A constable who—
- (a) has completed a period of relevant service within paragraph (a), (b) ^{F15}(ba) or (bb)] ^{F16}, (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 ^{M6}Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or

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- (c) while engaged on relevant service within paragraph [^{F17}(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 [^{F18}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

- F10** S. 38A inserted (1.4.1995) by 1994 c. 29, s. 60; S.I. 1995/492, art. 2, **Sch. 1** (with art. 4)
- F11** 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)**
- F12** 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
- F13** 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**
- F14** 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**
- F15** 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)**
- F16** 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**
- F17** 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
- F18** 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

- M1** 1945 c. 17.
M2 1980 c. 63.
M3 1976 c. 35.
M4 1976 c. 35.
M5 1945 c. 17.
M6 1945 c. 17.

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