



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Offences and legal proceedings*

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

(1) Any person who—

- (a) assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or a person assisting a constable 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>F1</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>F2</sup>or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, 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 or any person assisting a constable 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.

*Status: Point in time view as at 01/04/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Cross Heading: Offences and legal proceedings. (See end of Document for details)*

[<sup>F3</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.]

#### Textual Amendments

- F1** 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
- F2** Words added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [s. 57](#)
- F3** [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](#)

#### 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, or who induces, or attempts to induce, or does any act calculated to induce, any constable to withhold his services or to commit breaches of discipline, 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.

#### 43 Impersonation, etc.

- (1) Subject to the provisions of this section, any person who—
- (a) takes the name, designation or character of a constable 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 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>F4</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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- (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 to constables, or any article having the appearance of such article, badge or mark.

#### Textual Amendments

- F4** 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

#### 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.
- (2) Any constable who neglects or violates his duty shall be guilty of an offence.
- (3) Any constable 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 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 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>F5</sup>level 3 on the standard scale] or to imprisonment for a period not exceeding sixty days.

#### Textual Amendments

- F5** 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>F6</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 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.

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#### **Textual Amendments**

**F6** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **Sch. 1 para. 32**

**Status:**

Point in time view as at 01/04/1995.

**Changes to legislation:**

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