

Police (Scotland) Act 1967

CHAPTER 77

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ELIZABETH II



1967 CHAPTER 77

An Act to consolidate certain enactments relating to police forces in Scotland and to the execution of warrants in the border counties of England and Scotland and to repeal certain provisions relating to the police in Scotland which have ceased to have any effect.

[27th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

ORGANISATION OF POLICE FORCES

Police areas, police authorities and police forces

1.—(1) Subject to the provisions of any amalgamation scheme, Police areas. a police force shall be maintained for every county in Scotland and for every burgh mentioned in Schedule 1 to this Act, 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.

2.—(1) For every police area which is a burgh, the town Police council, and for every police area which is a county, the county authorities council, shall be the police authority and, subject to the pro- and their visions of any amalgamation scheme, shall have in relation to functions.

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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.

(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, being expenses of a kind approved either generally or in particular cases by the Secretary of State.

(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).

Establishments
of police
forces.

3.—(1) A police force shall consist of a chief constable and—

(a) permanent and probationary whole-time constables (hereafter in this Act referred to as “regular constables”), and

(b) part-time constables (hereafter in this Act referred to as “special constables”),

not exceeding such number in each case as may from time to time be authorised by the police authority with the consent of the Secretary of State, and may in addition include temporary whole-time constables (hereafter in this Act referred to as “temporary constables”) not exceeding such number as may be so authorised.

(2) In determining the number of regular constables to be authorised under subsection (1) of this section for a police force the police authority shall take no account of the number of special or temporary constables authorised or to be authorised for that force.

(3) The chief constable of a police force may maintain lists of persons who undertake to hold themselves available for appointment, in such circumstances as may be specified in the undertaking, as temporary constables of the force, and may arrange for such persons, with their consent, to receive from time to time training in the functions of constables in accordance with such conditions as may be prescribed.

4.—(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. PART I
Chief
constables.

(2) A person appointed to the office of chief constable of a police force shall hold the rank of chief constable.

(3) The same person may, with the consent of the police authorities concerned, be appointed chief constable of more than one police force.

(4) Subject to the following provisions of this section, a person appointed to the office of chief constable of a police force—

- (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 Police Pensions Act 1948 (police pension regulations). 1948 c. 24.

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Deputy and
assistant chief
constables.

5.—(1) In every police force there shall be a deputy chief constable who shall have all the powers and duties of the chief constable—

- (a) during any absence, incapacity or suspension from duty of the chief constable ;
- (b) during any vacancy in the office of chief constable ;

but shall not have power to act by virtue of this subsection for any continuous period exceeding three months except with the consent of the Secretary of State.

(2) The provisions of subsection (1) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of the powers conferred by that enactment on a chief constable.

(3) A deputy chief constable of a police force shall, on his appointment as such, be deemed also to be appointed to the office of constable of the force, unless he then holds that office.

(4) The establishment of a police force may include one or more persons holding the rank of assistant chief constable.

(5) Appointments to the office of deputy chief constable, and appointments or promotions to the rank of assistant chief constable, shall be made, in accordance with regulations made under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.

(6) Subsections (4) to (7) of section 4 of this Act shall apply to a deputy chief constable and to an assistant chief constable as they apply to a chief constable.

6.—(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.

(2) Subsections (4) and (7) of section 4 of this Act (except paragraph (d) of the said subsection (4)) shall apply to a constable (not being a chief constable, an assistant chief constable or a constable holding the office of deputy chief constable) as they apply to a chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by section 26(7) of this Act.

7.—(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, assistant chief constable, chief superintendent and superintendent.

Constables
below rank of
assistant chief
constable.

Ranks.

(2) The number of constables of each rank in any police force shall not exceed such number as may from time to time be authorised by the police authority with the consent of the Secretary of State.

(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 as to discipline made under Part II of this Act.

8.—(1) The chief constable of any police force may, in accordance with regulations made under Part II of this Act and subject to the approval of the police authority and the Secretary of State as to numbers, appoint persons as police cadets to undergo training with a view to becoming constables of that police force. Police cadets.

(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.

9. The police authority may employ for the assistance of the constables of a police force such number of officers (not being constables) as may from time to time be fixed by the authority with the consent of the Secretary of State. Employees other than constables.

10.—(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 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. Land: compulsory acquisition, etc. 1947 c. 42.

(2) For the purposes of subsection (1) of this section and of Part VIII of the Local Government (Scotland) Act 1947 (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. 1947 c. 43.

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General provisions

Aid of one
police force
by another.

11.—(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 Secretary of State 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 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 Secretary of State.

Collaboration
agreements.

12.—(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 may 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 Secretary of State.

(4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.

(5) If it appears to the Secretary of State that an agreement should be made under subsection (1) or subsection (2) or subsection (4) of this section, he 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.

13.—(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. Watching of premises or land under agreement with occupier.

(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.—(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 Extra policing of locality where works are being constructed.
- (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 (whether by the appointment of temporary constables or otherwise) 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 sheriff.

(3) The provisions of this section shall be without prejudice to the provisions of section 17(3) of this Act.

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(4) In this section “sheriff” does not include a sheriff-substitute.

Annual and other reports by chief constable.

15.—(1) The chief constable of a police force shall before 31st May in each year submit to the police authority a general report in writing on the policing, during the year ended on 31st December last preceding, 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 sheriff having jurisdiction in any part of the area,
- the magistrates of any burgh comprising any part of the area,
- 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 to the magistrates of any burgh or to any sheriff a report on matters which are not connected with the policing, respectively, of the burgh or of places in which the sheriff has jurisdiction.

(6) In this section “sheriff” does not include a sheriff-substitute.

Declaration to be made by constables on appointment.

16. A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, justice of the peace or magistrate of a burgh, a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

General functions and jurisdiction of constables

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17.—(1) Subject to the provisions of this Act, it shall be the duty of the constables of a police force—

General functions and jurisdiction of constables.

- (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, justice of the peace or magistrate of a burgh, 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 section 20(3) of the Summary Jurisdiction (Scotland) Act 1954 (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. 1954 c. 48.

(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) as respects any place in a burgh, from the magistrates of the burgh, and
- (b) as respects any place not in a burgh, from the sheriff having jurisdiction in the place :

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 “sheriff” does not include a sheriff-substitute.

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(4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland.

(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) A special constable shall neither be required nor be entitled to exercise any function of a constable except—

(a) in an emergency,

(b) for the purpose of preventing or suppressing riot or tumult, or

(c) when with his own consent he is assigned by the chief constable for duty for the purpose of enabling him to gain practical experience of police work.

(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, with a police force other than that in which he holds his appointment, the chief constable of the first-mentioned force, and

(b) in any other case, the chief constable of the police force in which the constable holds his appointment.

(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.

Jurisdiction of constables as respects execution of warrants in border counties of England and Scotland.

18.—(1) It shall be lawful for any constable appointed for any one of the border counties of England or Scotland respectively, that is to say the counties of Northumberland, Cumberland, Berwick, Roxburgh or Dumfries, to execute within any of those counties the lawful warrant of any sheriff, justice of the peace or other magistrate for the apprehension of any person accused or convicted of a criminal offence committed, or for the recovering of any goods alleged to have been stolen, within the county for which the constable is appointed, in like manner as the warrant might be executed by that constable within the last-mentioned county.

(2) In subsection (1) of this section—

(a) references to the counties of Northumberland and Cumberland shall be construed as including references respectively to a combined area within the meaning of

the Police Act 1964 comprising Northumberland and to such a combined area comprising Cumberland, and

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1964 c. 48.

- (b) references to the counties of Berwick, Roxburgh and Dumfries shall be construed as including references to a combined area within the meaning of this Act comprising any one of those counties.

Amalgamations

19.—(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.

Schemes for amalgamation of police forces.

(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 joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme ;
- (c) the delegation to the joint police committee 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 joint police committee in the performance of the functions delegated to them ;
- (e) the audit of the accounts of the joint police committee by an auditor appointed by the Secretary of State and the application to such audit of the provisions of Part X of the Local Government (Scotland) Act 1947 (audit of accounts of local authorities).

(3) The reference in subsection (2)(d) of this section to the expenditure incurred by the joint police committee is a reference

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to so much of the net expenditure of the committee as is not reimbursed to the committee under section 32 of this Act by sums paid out of moneys provided by Parliament.

(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 joint police committee 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.

(5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.

(6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee 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.

1937 c. 69.

(7) For the purposes of the Local Government Superannuation (Scotland) Act 1937 the appropriate superannuation fund in relation to the contributory employees of a joint police committee 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 joint police committee by or under the amalgamation scheme.

20.—(1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him under section 19 of this Act by the police authorities for those areas before such date as he may fix, the Secretary of State may in accordance with the following provisions of this section by order make such scheme as he considers expedient ; and the provisions of the said section 19 shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the substitution in subsection (8) thereof for any reference to the approval of a scheme of a reference to the making of a scheme.

Power of Secretary of State to make amalgamation schemes.

(2) Before making a scheme under this section the Secretary of State shall send a copy of the proposed scheme to the police authorities concerned and shall specify in an accompanying notice the period within which objection may be made to the proposed scheme.

(3) If, within the period specified in the notice, a police authority to whom notice has been given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be a constable or an officer of any Government department).

(4) Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.

(5) Any local inquiry held under subsection (3) of this section shall be held in public, and the provisions of subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 1947 c. 43. (provisions as to local inquiries) shall apply to any such inquiry as they apply to an inquiry held under that section.

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(6) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft.

Amendment
and
revocation of
amalgamation
scheme.

21.—(1) An amalgamation scheme may be amended or revoked by a subsequent scheme made under section 19 or 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;
- (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 joint police committee constituted under the original scheme, or for the reconstitution of any such committee;
- (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 joint police committee;
- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

Compensation
of officers
prejudicially
affected by
amalgamation
scheme.

22.—(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 joint police committee, 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 joint police committee 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 joint police committee 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 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. 1947 c. 43.

23.—(1) The chief constable of a police force shall not be transferred by an amalgamation scheme to the police force established by the scheme unless he is appointed as the first chief constable of that force or unless before the date when the scheme comes into operation he agrees to join that force in some other capacity. Chief constable of police force affected by amalgamation scheme.

(2) A chief constable who is not transferred as aforesaid shall be deemed to have retired from his police force immediately before the date when the scheme came into operation, and during the period of three months beginning with the said date (or, if within those three months he joins the police force established by the scheme, during the period beginning with the said date and ending with the day before the date on which he joins that force) he shall be entitled to be paid by the joint police committee a salary and emoluments at the same rate as the salary and emoluments which he would have been entitled to receive had he continued to be the chief constable of his police force.

PART I

Constables engaged on central service or on overseas police service. 1945 c. 17.

24.—(1) Where, immediately before the date when the amalgamation scheme comes into operation, either—

(a) section 38(1)(a) of this Act, or

(b) section 2 of the Police (Overseas Service) Act 1945 (members of home police forces engaged on overseas service),

applied to any person as having been a constable of a transferred force, 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 overseas 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 overseas 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 overseas 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, and the expression “overseas service” has the same meaning as it has for the purposes of the Police (Overseas Service) Act 1945.

Transitory provisions.

25.—(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.

PART II

CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

Functions of the Secretary of State

26.—(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 police forces.

Regulations as to government and administration of police forces.

(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 or temporary constables ;
- (e) the maintenance of discipline in police forces ;
- (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 section 47 of the Police Act 1964 (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.

(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

PART II

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.

(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.

(7) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority in respect of any police force shall be—

- (a) in relation to the chief constable, deputy chief constable and any assistant chief constable, the police authority ;
- (b) in relation to any other constable, the chief constable :

Provided that, in relation to any such other constable in whose case the chief constable is interested otherwise than as chief constable or is a material witness, the appropriate disciplinary authority shall, if either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.

1964 c. 48.

(8) Before making regulations under this section with respect to any of the matters mentioned in section 45(1) of the Police Act 1964 (which provides for the establishment of the Police Council for Great Britain for the consideration of certain questions), not being regulations relating to special constables, the Secretary of State shall take into consideration any recommendation made by the Police Council for Great Britain and furnish the Council with a draft of the regulations.

(9) Before making regulations under this section, other than regulations in relation to the making of which subsection (8) of this section applies, 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, PART II

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.

27.—(1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets. Regulations for 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 (8) and (9) 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.

28. 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. Regulations as to standard of equipment.

29.—(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. Local inquiries.

(2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.

(3) Subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to any inquiry held under this section as they apply to an inquiry held under that section. 1947 c. 43.

(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.

30.—(1) A constable who is dealt with for an offence against discipline may appeal to the Secretary of State. Disciplinary appeals.

(2) On an appeal under this section the Secretary of State may—

- (a) allow the appeal ;
- (b) dismiss the appeal ; or
- (c) vary the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.

PART II

(3) The Secretary of State may direct the appellant to pay the whole or any part of his own expenses, but, subject to any such direction, all the expenses of an appeal under this section, including the expenses of the parties, shall be paid by the police authority.

(4) Schedule 3 to this Act shall have effect in relation to any appeal under this section.

Powers of Secretary of State in relation to compulsory retirement of chief constable, etc.

31.—(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 the deputy or an assistant chief constable the Secretary of State shall give the chief constable or deputy or assistant chief constable 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 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 or deputy 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.

Police grant.

32.—(1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which section 19(6) or section 36(4) of this Act applies or may for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine.

(2) The Secretary of State may deduct from any sum payable by him under subsection (1) of this section to any police authority or joint police committee any sum due by that

authority or committee to him by virtue of section 36(4) of this Act or by virtue of that subsection as applied by any order under section 36(5) of this Act.

(3) Any statutory instrument embodying an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Inspectors of constabulary

33.—(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 Secretary of State with the consent of the Treasury may determine, and of the persons so appointed one may be appointed as chief inspector of constabulary. Inspectors 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 Treasury may determine.

(3) It shall be the duty of the inspectors of constabulary under the direction of the Secretary of State to visit and inquire into the state and efficiency of the police forces and of the buildings and equipment used by such forces.

(4) Such of the inspectors of constabulary as may be directed in that behalf by the Secretary of State shall annually, at such times as may be so directed, submit to the Secretary of State a written report on the state and efficiency of the police forces generally, and the Secretary of State shall cause a copy of every such annual report to be laid before each House of Parliament.

34.—(1) The Secretary of State may appoint assistant inspectors of constabulary, and may appoint constables to be staff officers to the inspectors of constabulary. Assistant inspectors and staff officers.

(2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may, with the consent of the Treasury, determine.

35. The Police Pensions Act 1948 shall apply to any inspector or assistant inspector of constabulary appointed on or after 1st August 1964 and accordingly shall have effect, in relation to any such person, as modified by Schedule 6 to the Police Act 1964. Pensions of inspectors and assistant inspectors. 1948 c. 24. 1964 c. 48.

Common services

36.—(1) The Secretary of State may provide courses for constables, and may for that purpose, if he thinks fit, establish and maintain one or more central training institutions (including Central training and other common services.

PART II such instructing and administrative staff, and such land, buildings and equipment, as he may consider expedient).

(2) The Secretary of State may make arrangements for the attendance of constables at courses provided (whether in Scotland or elsewhere) otherwise than under subsection (1) of this section.

(3) Before providing any courses, or making any arrangements, under the foregoing provisions of this section 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, chief constables and superintendents (including chief superintendents) respectively.

(4) One half of the expenses incurred by the Secretary of State in establishing and maintaining any central training institution under subsection (1) of this section shall be recoverable by him from police authorities (not being constituent authorities) and from joint police committees in such proportions as may be determined by him after consulting such bodies or associations as appear to him to be representative of police authorities; and any expenses falling on a police authority or joint police committee by virtue of this subsection shall be defrayed in like manner as other expenses incurred by the authority or committee for the purposes of this Act.

(5) The Secretary of State may, after consulting such bodies or associations as appear to him to be representative of police authorities, by order apply subsection (4) of this section to other expenses specified in the order incurred by him for the purposes of police forces generally.

(6) In this section "courses" means courses of instruction in matters relating to police service.

Research.

37. 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.

Central
service on
police duties.

38.—(1) Subject to the provisions of this section, where a constable of a police force is, whether before or after the commencement of this Act, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a constable of that force during that period or so much of it as falls on or after 1st August 1964; but, except where a pension, allowance or gratuity becomes

payable to him out of moneys provided by Parliament by virtue of regulations made under the Police Pensions Act 1948—

PART II

1948 c. 24.

- (a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which he was serving immediately before he engaged as aforesaid ; and
- (b) he shall be treated, for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.

(2) Notwithstanding anything in subsection (1) of this section, a constable who has engaged on central service may be promoted in his police force as if he were serving in that force ; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and 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.

(3) Notwithstanding anything in subsection (1) of this section, a constable may be dealt with under the police regulations relating to discipline for anything done or omitted while engaged on central service as if that service were service in his police force, and section 30 of this Act shall apply accordingly.

(4) The Police Pensions Act 1948 shall apply to any constable engaged on central service and accordingly shall have effect, in relation to any such constable, as modified by Schedule 6 to the Police Act 1964.

1964 c. 48.

(5) In this section—

“ central service ” means temporary service under the Crown in connection with the provision by the Secretary of State of common police services, research or other services connected with the police, and service as a staff officer to the inspectors of constabulary ;

“ 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 ;

“ police regulations ” means regulations made under this Part of this Act.

PART III

MISCELLANEOUS AND GENERAL

Remedies and complaints against police

Liability for wrongful acts of constables.

39.—(1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.

(2) The police authority shall pay—

(a) 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

(b) 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; 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, in proceedings arising from any wrongful act or omission 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.

Information as to manner of dealing with complaints.

40. 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.

Offences and legal proceedings

PART III

41.—(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,

Assaults on constables, etc.

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 fifty pounds 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.

(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.

42.—(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—

Causing disaffection.

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

Impersonation, etc.

- (a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house

PART III

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 fifty pounds 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.

(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.

Offences by constables.

44.—(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 ten pounds or to imprisonment for a period not exceeding sixty days.

45. If a sheriff, justice of the peace or magistrate of a burgh 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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Warrant to search for police accoutrements and clothing.

Miscellaneous

46.—(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—

Rewards.

(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, 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) The aggregate of payments made under subsection (1) of this section by a police authority in any year shall not exceed such sum as may be approved by the Secretary of State.

47.—(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 the year to 31st December last preceding—

Criminal statistics.

(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 :

PART III

(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.

(2) The Secretary of State shall cause a consolidated and classified abstract of the reports mentioned in subsection (1) of this section to be prepared and laid before Parliament and shall cause a copy of such abstract to be sent 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

(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.

Supplemental

Regulations,
rules and
orders.

48.—(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.

Financial
provisions.

49.—(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.

Meaning
of “ police
area ”, etc.

50. Except where the context otherwise requires, in this Act and in any other enactment (whether passed or made before or after the commencement of this Act)—

(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 ;

(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.

51.—(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 or section 20 of this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme ;

“burgh” has the same meaning as in the Local Government (Scotland) Act 1947 c. 43 ;

“constable” means a constable (including the chief constable) of a police force ; and “regular constable”, “special constable”, and “temporary constable” have the meanings assigned to them respectively by section 3(1) of this Act ;

“constituent authority” means a police authority which is a party to an amalgamation scheme ;

PART III

“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”;

“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) Any reference in this Act to a county shall, unless the context otherwise requires, be construed as a reference to the county inclusive of any burgh situated therein which is not mentioned in Schedule 1 to this Act, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly.

1947 c. 43.

(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.

(4) Except where the context otherwise requires, in this Act and in any other enactment (whether passed or made before or after the commencement of this Act) 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 Police (Scotland) Act 1956 or by the Police Act 1964 or to the corresponding provision of any enactment so repealed.

1956 c. 26.
1964 c. 48.

52.—(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 :

PART III
Consequential
amendments,
repeals and
savings.

Provided that the amendment of section 5(5)(a) of the 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 Murder (Abolition of Death Penalty) Act 1965.

1957 c. 11.

1965 c. 71.

(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 Police (Scotland) Act 1956 or by the 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.

1956 c. 26.

1964 c. 48.

(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 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 Police (Scotland) Act 1956 or by the Police Act 1964

PART III

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.

1889 c. 63.

(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 section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

Short title,
extent and
commence-
ment.

53.—(1) This Act may be cited as the Police (Scotland) Act 1967.

1956 c. 26.
1964 c. 48.

(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 Police (Scotland) Act 1956 and to the 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.

SCHEDULES

SCHEDULE 1

Sections 1, 51.

BURGHES FOR WHICH (SUBJECT TO AMALGAMATION SCHEMES) POLICE FORCES ARE TO BE MAINTAINED

Aberdeen	Glasgow
Airdrie	Greenock
Arbroath	Hamilton
Ayr	Inverness
Coatbridge	Kilmarnock
Dumbarton	Kirkcaldy
Dumfries	Motherwell and Wishaw
Dundee	Paisley
Dunfermline	Perth
Edinburgh	Stirling.

SCHEDULE 2

Sections 21, 24,
25.TRANSITORY PROVISIONS FOR THE PURPOSES OF
AMALGAMATION SCHEMES

1. All constables of a police force who are transferred by an amalgamation scheme shall be deemed to have been duly appointed and attested under this Act as constables of the new force, and shall hold in that force the same ranks respectively as they held immediately before the date of such transfer in the transferred force.

2. Where immediately before the date when an amalgamation scheme comes into operation a constable of a transferred force is entitled to appeal to the Secretary of State under section 30 of this Act, or where any such constable has appealed to the Secretary of State under the said section before the said date but the appeal has not been determined, the disciplinary authority for the new force shall be the respondent for the purposes of the appeal and in the case of a pending appeal shall be substituted as respondent for the disciplinary authority of the transferred force.

3. Any register kept in pursuance of any enactment by the chief constable of a transferred force shall be transferred by him to the chief constable of the new force as soon as may be after the date when the scheme came into operation, and as from that date shall be deemed to form part of the corresponding register kept by that chief constable.

4. Subject to the foregoing provisions of this Schedule, anything done before the date when an amalgamation scheme comes into operation by, to or before the police authority for any police area comprised in the combined area, or by, to or before the chief constable of a transferred force, shall, in so far as may be necessary for the purpose or in consequence of the provisions of this Act or of the scheme, have effect after that date as if it had been done by, to or before the joint police committee or the chief constable of the new force.

SCH. 2

5. In this Schedule the expression “transferred force” means the police force maintained for any police area comprised in a combined area, and “new force” means the police force established by any amalgamation scheme, and any reference to attestation includes a reference to making a declaration under section 16 of this Act.

6. This Schedule shall have effect in relation to an amending or revoking scheme with the substitution where necessary—

- (a) for any reference to an amalgamation scheme, of a reference to the amending or revoking scheme,
- (b) for any reference to the combined area, of a reference to such area as may be prescribed by the amending or revoking scheme, and
- (c) for any reference to a police area comprised in a combined area, of a reference to the combined area under the scheme being amended or revoked ;

and for this purpose the expression “new force” shall be construed as including a reference to a police force re-established by an amending or revoking scheme.

Sections 30, 48,
51.

SCHEDULE 3

DISCIPLINARY APPEALS

Notice of Appeal

1. Any appeal under section 30 of this Act (in this Schedule referred to as “the principal section”) shall be instituted by giving a notice of appeal in the prescribed manner and within the prescribed time.

Respondent

2. On any appeal under the principal section, the appropriate disciplinary authority for the police force shall be made the respondent.

Inquiries

3.—(1) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking evidence, request the sheriff to hold an inquiry and report to him.

(2) The sheriff, in holding an inquiry under this paragraph, may require any person to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law ; and if any person fails without reasonable excuse to comply with the provisions of any such requirement he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The sheriff, in the exercise of the functions conferred on him by this paragraph, shall have the like power as regards the administration of oaths as if he were acting in the exercise of his civil jurisdiction.

(4) The Secretary of State shall, before determining an appeal under the principal section, consider any report made to him under this paragraph, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with rules under this Schedule.

(5) The Secretary of State may, before determining an appeal under the principal section, remit the case for further investigation by the sheriff when an inquiry has been held, or in any case, if he thinks fit, for further consideration by the disciplinary authority.

(6) In this paragraph "sheriff" does not include a sheriff-substitute.

Notice and effect of determinations

4.—(1) A determination on an appeal made by the Secretary of State under the principal section shall, as soon as practicable, be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the sheriff holding the inquiry, and the determination shall be final and binding upon all parties.

(2) Where an appeal is allowed, or the punishment is varied, by the Secretary of State, the determination shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the determination is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension, and, to such extent (if any) as may be determined by the determination, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of reinstatement, and if he was suspended for a period immediately preceding the date of the decision, the determination shall deal with the suspension.

Rules

5. The Secretary of State may make rules as to the procedure on appeals and at inquiries under this Schedule and in particular, but without prejudice to the generality of this provision, shall make rules—

- (a) prescribing the form and contents of the notice of appeal and the documents to be submitted by the appellant and the time within which such documents are to be submitted;
- (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent:

Provided that the rules shall provide for giving to the appellant the right to be represented at an inquiry by a constable or by counsel or a solicitor, and for giving to the respondent the right to be represented by a constable of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

Sections 52, 53.

SCHEDULE 4

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

THE DOGS ACT 1906

(6 Edw. 7 c.32)

In section 8(b), for the words "the Police (Scotland) Act, 1890" there shall be substituted the words "the Police (Scotland) Act 1967".

THE CHILDREN AND YOUNG PERSONS ACT 1933

(23 & 24 Geo. 5 c.12)

In section 107(1), in the definition of "chief officer of police" for the words "the Police (Scotland) Act, 1890" there shall be substituted the words "the Police (Scotland) Act 1967".

THE FIREARMS ACT 1937

(1 Edw. 8 and 1 Geo. 6 c.12)

In Schedule 3, after the words "the Police Act 1964" there shall be inserted the words "or under section 41 of the Police (Scotland) Act 1967".

THE POLICE (OVERSEAS SERVICE) ACT 1945

(9 & 10 Geo. 6 c.17)

In section 3(1), the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967".

THE LOCAL GOVERNMENT (SCOTLAND) ACT 1947

(10 & 11 Geo. 6. c. 43)

In Schedule 6, the entry relating to section 15 of the Police (Scotland) Act 1956 shall be omitted and there shall be inserted the following entry:—

<p>"Section 15 of the Police (Scotland) Act 1956, except as regards dwelling-houses and other housing accommodation, and sections 2(4) and 10 of the Police (Scotland) Act 1967, except as aforesaid.</p>	<p>Such period not exceeding sixty years as the Secretary of State may fix."</p>
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THE POLICE PENSIONS ACT 1948

(11 & 12 Geo. 6 c.24)

In section 8(1), in the definition of "police authority" the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967", and in the definition of "police force" the words "the Police (Scotland) Act 1956 or" shall be omitted and after the words "the Police Act 1964" there shall be inserted the words "or of the Police (Scotland) Act 1967".

THE CIVIL DEFENCE ACT 1948

(12, 13 & 14 Geo. 6 c.5)

In section 4(6)(b), for the words from "section eleven of the Police (Scotland) Act, 1946" to the end there shall be substituted the words "section 10 of the Police (Scotland) Act 1967 on police authorities to acquire compulsorily land required for the purposes of their functions under that Act".

THE HOMICIDE ACT 1957

(5 & 6 Eliz. 2 c.11)

SCH. 4

In section 5(5)(a), for the words "section forty of the Police (Scotland) Act, 1956" there shall be substituted the words "section 50 of the Police (Scotland) Act 1967".

THE OVERSEAS SERVICE ACT 1958

(6 & 7 Eliz. 2 c.14)

In section 5(2)(b), for the words "section twenty-three of the Police (Scotland) Act, 1956" there shall be substituted the words "section 24 of the Police (Scotland) Act 1967".

THE POLICE ACT 1964

(1964 c.48)

In section 19(6), for the words "section 5 of the Police (Scotland) Act 1956" there shall be substituted the words "section 18 of the Police (Scotland) Act 1967".

In section 44(3)(e), for the words "section 11 of the Police (Scotland) Act 1956" there shall be substituted the words "section 26 of the Police (Scotland) Act 1967".

In section 45(2), after the word "section" there shall be inserted the words "or section 26(8) of the Police (Scotland) Act 1967 (including the last-mentioned subsection as applied by section 27(3) of the said Act)".

In section 64(4), after the words "any provision of this Act" there shall be inserted the words "(including any provision of the Police (Scotland) Act 1967 which re-enacts any provision of this Act repealed by that Act)".

THE FIREARMS ACT 1965

(1965 c. 44)

In Schedule 1, in paragraph 2, after the words "the Police (Scotland) Act 1956" there shall be inserted the words "or against section 41 of the Police (Scotland) Act 1967".

THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965

(1965 c. 52)

In section 77, for the words "the Police (Scotland) Act 1956" there shall be substituted the words "the Police (Scotland) Act 1967".

THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT 1967

(1967 c. 28)

In section 13(3), for the words from 'sections 11A' to the end there shall be substituted the words 'sections 27 and 8 respectively of the Police (Scotland) Act 1967'.

THE ROAD TRAFFIC REGULATION ACT 1967

(1967. c. 76)

In section 24(7)(c), for the words 'Police (Scotland) Act 1956' there shall be substituted the words 'Police (Scotland) Act 1967'.

In section 81(12)(a), for the words 'section 13 of the Police (Scotland) Act 1956' there shall be substituted the words 'section 9 of the Police (Scotland) Act 1967'.

Sections 52, 53.

SCHEDULE 5

ENACTMENTS REPEALED

PART I

ENACTMENTS CONSOLIDATED

Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 96.	The Pedlars Act 1871.	In section 3, the definition of "chief officer of police". In Schedule 1, the definition of "chief officer of police".
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	In section 20, the definition of "chief officer of police".
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 107, the definition of "chief officer of police".
46 & 47 Vict. c. 34.	The Cheap Trains Act 1883.	In section 109, paragraph (7).
6 Edw. 7. c. 32.	The Dogs Act 1906.	In section 8, the definition of "police force". In section 3(10), the definitions of "chief officer of police" and "police fund". Section 8(a).
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 2(6), the definition of "chief officer of police". Section 8(2).
4 & 5 Geo. 5. c. 34.	The Police Reservists (Allowances) Act 1914.	In section 1(5), the definitions of "police force" and "police fund". In section 2, the words from "with the substitution" to "Police Act 1890".
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921.	In section 30, the definitions of "chief officer of police", "police fund" and "police force". In Schedule 3, the definitions of "chief officer of police" and "police fund".
1 Edw. 8. & 1 Geo. 6. c. 6.	The Public Order Act 1936.	In section 9(1), the definition of "chief officer of police".
1 Edw. 8. & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 32(1), the definition of "chief officer of police".
2 & 3 Geo. 6. c. 44.	The House to House Collections Act 1939.	In section 11(1), the definition of "chief officer of police".
2 & 3 Geo. 6. c. 103.	The Police and Firemen (War Service) Act 1939.	In section 10(3), the definition of "chief officer of a police force". In section 14, in the definition of "constable" the words "within the meaning of the Police Pensions Act 1921".
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	In section 38(1), the definitions of "chief officer of police" and "police force".
12, 13 & 14 Geo. 6. c. 5.	The Civil Defence Act 1948.	In section 9(1), the definition of "police force".
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	In Schedule 6, paragraph 8(4).

Chapter	Short Title	Extent of Repeal	SCH. 5
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 87(3), except so far as it relates to the definition of a police area.	
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 86(2), the definition of " police force ".	
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 23(1), the definition of " police force ".	
4 & 5 Eliz. 2. c. 26.	The Police (Scotland) Act 1956.	In section 24(g), the words " for references to the Police Act 1946 " and the words " there shall be respectively substituted references to the Police (Scotland) Act 1946 ".	
5 Eliz. 2. c. 1.	The Police, Fire and Pro- bation Officers Remun- eration Act 1956.	The whole Act except section 37.	
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 1(1)(b).	
1964 c. 48.	The Police Act 1964.	Section 202(3). In section 257(1), the definition of " chief officer of police ".	
1966 c. 52.	The Police (Scotland) Act 1966.	In section 45, in subsection (4), the words " or under section 11 or 11A of the Police (Scot- land) Act 1956 ", and sub- section (5). Section 59.	
1967 c. 76.	The Road Traffic Regula- tion Act 1967.	In section 65(5), the words " section 59 and Schedule 7 ".	
		Schedule 7. The whole Act.	
		Section 52(9). In section 104(1), the definition of " chief officer of police ".	

PART II

ENACTMENTS WHICH ARE SPENT OR SUPERSEDED

Chapter	Short Title	Extent of Repeal
34 & 35 Vict. c. 96.	The Pedlars Act 1871.	In section 3, the definition of " police district ".
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	In Schedule 1, the definition of " police district ".
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 20, the definition of " police district ".
46 & 47 Vict. c. 34.	The Cheap Trains Act 1883.	In section 107, the definition of " police district ".
6 Edw. 7. c. 32.	The Dogs Act 1906.	In section 8, the definition of " police authority ".
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 3(10), the definition of " police area ".
		In section 2(6), the definition of " police area ".

SCH. 5

Chapter	Short Title	Extent of Repeal
4 & 5 Geo. 5. c. 34.	The Police Reservists (Allowances) Act 1914.	Section 1(4). In section 1(5), the definition of "police authority". In section 2, the words from "and of" to the end.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921.	In section 30, the definitions of "police area" and "police authority". In Schedule 3, the definitions of "police area" and "police authority".
1 Edw. 8 & 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 32(1), in the definition of "area" the words from "as defined" to the end.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	In section 110(1), the definition "police authority".
& 3 Geo. 6. c. 44.	The House to House Collections Act 1939	In section 11(1), the definitions of "police area" and "police authority".
2 & 3 Geo. 6. c. 103.	The Police and Firemen (War Service) Act 1939.	In section 14, in the definition of "appropriate authority" the words "within the meaning of the Police Pensions Act 1921".
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	In section 38(1), the definitions of "police area" and "police authority".
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	In section 87(3), the words "and to a police area" in both places where they occur.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 86(2), the definition of "police area".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 23(1), in the definition of "relevant police authority" the words from "maintained" to "other police force" and the words "(within the meaning of the Police Pensions Act 1921)". In section 24(g), the words "and to an authority responsible under a scheme for the maintenance of a police force" and the words from "and to a joint police committee" to the end. In Schedule 2, in Part I, in paragraph 4, in column 2, the words from the beginning to "any other police force" and the words "(within the meaning of the Police Pensions Act 1921)."
4 & 5 Eliz. 2. c. 26.	The Police (Scotland) Act 1956.	Section 37.

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