

Status: Point in time view as at 01/04/1997.

Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed). (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 1 **S**

Textual Amendments

F1 Sch. 1 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 29](#)

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F1

SCHEDULE 2 **S**

Sections 21, 24, 25.

TRANSITORY PROVISIONS FOR THE PURPOSES OF AMALGAMATION SCHEMES

Modifications etc. (not altering text)

C1 Sch. 2 extended by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [s. 146\(10\)](#)

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.

^{F2}2

Textual Amendments

F2 Sch. 2 para. 2 repealed (1.8.1996) by [1994 c. 29, ss. 63\(10\), 93](#), [Sch. 9 Pt. I](#); [S.I. 1996/1646, art. 2](#), [Sch.](#) (with [art. 3](#))

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 [^{F3}joint police board] or the chief constable of the new force.

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Textual Amendments

- F3** Words in Sch. 2 para. 4 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(17); S.I. 1996/323, art. 4(1)(b)(c)

- 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.

[^{F4}SCHEDULE 3 S

APPEALS

Textual Amendments

- F4** Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

^{F5} Police Appeals Tribunals

Textual Amendments

- F5** Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F61} (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have been nominated by the Lord President of the Court of Session for the purposes of this Schedule;
 - (b) one shall be a member of a police authority, other than the relevant police authority; and
 - (c) one shall be a person who is (or has within the previous five years been) an inspector of constabulary.

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- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

Textual Amendments

F6 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F72} (1) In the case of an appeal by a constable who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule;
 - (b) one shall be a member of the authority;
 - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the police force; and
 - (d) one shall be a retired constable of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

Textual Amendments

F7 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

^{F8}Notice of appeal

Textual Amendments

F8 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F93} An appeal shall be instituted by giving notice of appeal within the time prescribed by rules under section 30 of this Act.

Textual Amendments

F9 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

^{F10}Respondent

Textual Amendments

F10 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F114} On any appeal the respondent shall be the person prescribed by rules under section 30 of this Act.

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Textual Amendments

F11 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F12 Casting vote

Textual Amendments

F12 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F13 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

Textual Amendments

F13 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F14 Hearing

Textual Amendments

F14 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F15 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.

(2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable or by an advocate or a solicitor; and the respondent to be represented by a constable of the force maintained by, or an officer of, the relevant police authority or by an advocate or a solicitor.

Textual Amendments

F15 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F16 Effect

Textual Amendments

F16 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F17 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.

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- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force, or in his rank he shall, for the purposes of reckoning service for pension and to such extent (if any) as may be determined by the order for the purposes of pay, be deemed to have served in the force or in that rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

Textual Amendments

F17 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

^{F18}Tribunal remuneration and expenses

Textual Amendments

F18 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F19}g Members of a police appeals tribunal shall be—
- (a) paid such remuneration; and
 - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

Textual Amendments

F19 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

^{F20}Expenses of proceedings

Textual Amendments

F20 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

- ^{F21}g (1) An appellant shall pay the whole of his own expenses unless the police appeals tribunal directs that the whole or any part of those expenses are to be paid by the relevant police authority.
- (2) Subject to sub-paragraph (1) of this paragraph, all the expenses of an appeal under section 30 of this Act, including the expenses of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be paid by the relevant police authority.

Textual Amendments

F21 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

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F22 Interpretation

Textual Amendments

F22 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

F23¹⁰ In this Schedule—

- (a) “senior officer” means a constable holding a rank above that of superintendent;
- (b) “relevant police authority” means the police authority for the area for which the police force of which the appellant is a constable is maintained; and
- (c) “retired constable of appropriate rank” means—
 - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired constable who at the time of his retirement was of that rank, and
 - (ii) in any other case a retired constable who at the time of his retirement was of the rank of chief inspector or below.]

Textual Amendments

F23 Sch. 3 substituted (1.8.1996) by 1994 c. 29, s. 55(2), Sch. 6; S.I. 1996/1646, art. 2, Sch. (with art. 3)

SCHEDULE 4 E+W+S

Sections 52, 53.

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

Modifications etc. (not altering text)

C2 The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except as specified does not reflect any amendments or repeals which may have been made prior to 1.2.1991

The ^{M1}Dogs Act 1906

Marginal Citations

M1 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 ”.

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The ^{M2}Children and Young Persons Act 1933

Marginal Citations

M2 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 ”.

... *F24*

Textual Amendments

F24 In Sch. 4 the entry relating to the Firearms Act 1937 repealed by [Firearms Act 1968 \(c. 27, SIF 51:1\)](#), s. 59, [Sch. 7](#)

F25
...

Textual Amendments

F25 Entry relating to the Police (Overseas Service) Act 1945 in Sch. 4 repealed (1.1.1995) by [1994 c. 29, s. 93, Sch. 9 Pt. I](#); [S.I. 1994/3075, art. 2, Sch.](#)

The ^{M3}Local Government (Scotland) Act 1947

Marginal Citations

M3 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:—

“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.

Such period not exceeding sixty years as the Secretary of State may fix.”

... *F26*

Textual Amendments

F26 In Sch. 4 the entry relating to the Police Pensions Act 1948 repealed by [Police Pensions Act 1976 \(c. 35, SIF 95\)](#), s. 13(2), [Sch. 3](#)

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The ^{M4}Civil Defence Act 1948

Marginal Citations

M4 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 ”.

... *F27*

Textual Amendments

F27 In Sch. 4 the entry relating to the Homicide Act 1957 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. V](#)

... *F28*

Textual Amendments

F28 Entry relating to Overseas Service Act 1958 repealed by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), s. 18, Sch. 2 Pt. I

The Police Act 1964

F29
...

Textual Amendments

F29 Paragraphs in Sch. 4 repealed (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 9 Pt. I](#)

The ^{M5}Firearms Act 1965

Marginal Citations

M5 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 ”.

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The ^{M6}National Insurance (Industrial Injuries) Act 1965

Marginal Citations

M6 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 ^{M7}Superannuation (Miscellaneous Provisions) Act 1967

Marginal Citations

M7 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”.

... ^{F30}

Textual Amendments

F30 Entry relating to [Road Traffic Regulation Act 1967 \(c. 76\)](#) repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 14](#)

E+W+S

^{F31}

Sections 52, 53.

Textual Amendments

F31 Entries relating to the House to House Collections Act 1939 repealed by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137(8), [Sch. 4](#)

Modifications etc. (not altering text)

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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 8, the definition of "police force".
6 Edw. 7. c. 32.	The Dogs Act 1906.	In section 3(10), the definitions of "chief officer of police" and "police fund".
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 2(6), the definition of "chief officer of police".
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
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 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".
4 & 5 Eliz. 2. c. 26.	The Police (Scotland) Act 1956.	The whole Act except section 37.
5 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956.	Section 1(1)(b).
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 20(3). In section 257(1), the definition of "chief officer of police".
1964 c. 48.	The Police Act 1964.	In section 45, in subsection (4), the words "or under section 11 or 11A of the Police (Scotland) Act 1956", and subsection (5). Section 59. In section 68(5), the words "section 59 and Schedule 7". Schedule 7. The whole Act.
1966 c. 52.	The Police (Scotland) Act 1966.	The whole Act.
1967 c. 76.	The Road Traffic Regulation Act 1967.	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". In Schedule 1, the definition of "police district".
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	In section 20, the definition of "police district".
38 & 39 Vict. c. 17.	The Explosives Act 1875.	In section 107, the definition of "police district".
46 & 47 Vict. c. 34.	The Cheap Trains Act 1883.	In section 8, the definition of "police authority".
6 Edw. 7. c. 32.	The Dogs Act 1906.	In section 3(10), the definition of "police area".
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 2(6), the definition of "police area".

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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. & 3 Geo. 6. c. 44.	The Children and Young Persons (Scotland) Act 1937. The House to House Collections Act 1939	In section 110(1), the definition of "police authority". 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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