
 S T A T U T O R Y I N S T R U M E N T S

1975 No. 632 (S. 83)

POLICE

SCOTLAND

The Northern Police (Amalgamation) Order 1975*Laid before Parliament in draft*

Made - - - - - 8th April 1975

Coming into Operation

*for the purposes of paragraph 3(1) of the Order
and Article 2(1) of the Schedule on* - - 8th April 1975

for all other purposes - - - - - 16th May 1975

Whereas the Highland region established by the Local Government (Scotland) Act 1973(a) hereinafter in this order referred to as "the said Act of 1973" comprises, in whole or in part, the following existing police areas, namely, that of the combined area of the counties of Caithness, Orkney and Zetland; that of the combined area of the counties of Ross and Cromarty and Sutherland; that of the combined area of the county of Inverness and the burgh of Inverness; that of the combined area of the counties of Aberdeen, Banff, Kincardine, Moray and Nairn; and that of the police area of the county of Argyll;

And whereas the islands area of Western Isles established by the said Act of 1973 comprises, in part, the following existing police areas, namely, that of the combined area of the county of Inverness and the burgh of Inverness and that of the combined area of the counties of Ross and Cromarty and Sutherland;

And whereas the islands area of Orkney established by the said Act of 1973 comprises, in part, the existing combined area of the counties of Caithness, Orkney and Zetland;

And whereas the islands area of Shetland established by the said Act of 1973 comprises, in part, the existing combined area of the counties of Caithness, Orkney and Zetland;

Now, therefore, in exercise of the power conferred on me by section 21A(2) of the Police (Scotland) Act 1967(b) as inserted by section 146(7) of the Local Government (Scotland) Act 1973, I hereby make the following order, a draft of which has been laid before Parliament:—

 (a) 1973 c. 65.

(b) 1967 c. 77.

1. This order may be cited as the Northern Police (Amalgamation) Order 1975.

2. The Northern Police (Amalgamation) Scheme 1975, which is set out in the schedule to this order, is hereby made.

3.—(1) So far as the scheme relates to the constitution of the joint police committee and to the performance by the committee of the functions necessary for bringing the scheme into full operation on 16th May 1975, it shall come into force as soon as it shall have been made by the Secretary of State.

(2) Subject to the preceding sub-paragraph, this scheme shall come into force on 16th May 1975.

4. The joint police committee constituted by the said amalgamation scheme shall be a body corporate by the name of the Northern Joint Police Committee with perpetual succession and a common seal, and shall have power to hold land and to borrow money.

W. Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
8th April 1975.

SCHEDULE

THE NORTHERN POLICE (AMALGAMATION) SCHEME 1975

1. INTERPRETATION

1.—(1) In this scheme, which is made under section 21A of the Police (Scotland) Act 1967 as inserted by section 146 of the Local Government (Scotland) Act 1973 and which may be cited as the Northern Police (Amalgamation) Scheme 1975, the following expressions, except where the context otherwise requires, shall have the meaning hereby respectively assigned to them, that is to say—

“Act” means the Police (Scotland) Act 1967 as amended by any subsequent enactment;

“combined area” means the combined police area constituted by this scheme;

“combined force” means the combined police force established by this scheme;

“committee” means the joint police committee constituted in terms of this scheme;

“constituent authority” means the regional council of the Highland region or any one of the islands councils of the islands areas of Orkney, Shetland and the Western Isles;

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

II. COMMENCEMENT OF THE SCHEME

2.—(1) So far as this scheme relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on 16th May 1975, it shall come into force as soon as it shall have been made by the Secretary of State.

(2) Subject to the preceding sub-paragraph, this scheme shall come into force on 16th May 1975 (hereinafter referred to as “the appointed day”).

III. COMBINED POLICE FORCE FOR THE COMBINED AREA

3. The police areas respectively of the Highland region and the islands areas of Orkney, Shetland and Western Isles shall on the appointed day be amalgamated for police purposes and the combined area so constituted shall be called the Northern Police area.

4. On the appointed day the police forces maintained for the police areas of the Highland region and the islands areas of Orkney, Shetland and the Western Isles shall be disestablished and by virtue of this scheme there shall be established on the appointed day a combined force for the combined area which shall be called the Northern Constabulary.

5. As from the appointed day and subject to the provisions of section 23 of the Act as substituted by section 146(8) of the Local Government (Scotland) Act 1973, all constables of the police forces of the constituent authorities shall be transferred to and become constables of the combined force.

6. As from the appointed day every police cadet who, immediately before that day, was undergoing training with a view to becoming a constable of a police force maintained for the area of a constituent authority shall be treated (a) as undergoing training with a view to becoming a constable of the combined force, (b) as under the control of and subject to dismissal by the chief constable of the combined force, and (c) for the purposes of section 8(3) of the Act, as employed by the committee.

7. As from the appointed day all officers, not being constables, who are employed by the constituent authorities for the assistance of the constables of a police force and whose employment is authorised by the Secretary of State in accordance with the provisions of section 9 of the Act shall be treated as employed by the committee.

8. The appointment of the first chief constable of the combined force, which shall be otherwise subject to the provisions of section 4 of the Act, shall be made by the committee.

9. Nothing in this scheme shall affect or prejudice any right which any constituent authority may have to make use of the services of the police for the purposes of the authority's function under enactments other than those relating to police.

IV. CONSTITUTION OF THE JOINT POLICE COMMITTEE

10. The combined force shall be administered and maintained by a committee of 24 members to be appointed by the respective constituent authorities from their own number as follows:—

- 16 by the regional council of the Highland region; and
- 2 by the islands council of the islands area of Orkney; and
- 2 by the islands council of the islands area of Shetland; and
- 4 by the islands council of the islands area of Western Isles.

11. Each constituent authority may appoint from its own number substitute members who, in the absence of any one or more of its members of the committee and in number not exceeding the number of absent members and with the like powers, may attend meetings of the committee or of any sub-committee thereof.

V. APPOINTMENT OF MEMBERS AND PERIOD OF OFFICE

12. For the purpose of making the necessary arrangements for the committee entering fully upon its duties on the appointed day, including, subject to the foregoing provisions of this scheme, the appointment of a chief constable, the first appointment of members shall be made by the respective constituent authorities as soon as is practicable after this scheme shall have been made by the Secretary of State and the members then appointed, subject as hereinafter provided, shall hold office from and after the date of appointment by the constituent authority until the first meeting of the constituent authority appointing them after the next succeeding four yearly election of regional and islands councillors but except for the purpose of anything necessary to bring this scheme into full operation on the appointed day, the committee shall not enter on its duties until that day. Thereafter the members shall be appointed by the respective constituent authorities at the first meetings thereof after the election of regional and islands councillors in the year 1978 and in every fourth year thereafter, and, subject as hereinafter provided, shall hold office for the period from the date of their appointment until the first meeting of the constituent authority appointing them after the next succeeding four yearly election of regional and islands councillors.

13. On any member of the committee ceasing to be a member of the constituent authority which appointed him he shall cease to be a member of the committee on the expiry of 2 months thereafter or on the appointment of his successor whichever shall first occur.

14. A member of the committee may resign his membership at any time by written intimation to the effect to the clerk of the constituent authority by which he was appointed and to the clerk to the committee.

15. If any person ceases to be a member of the committee the constituent authority which appointed him shall as soon as possible appoint a member in his place unless in the opinion of the constituent authority the appointment should be deferred until the next appointment of members of the committee.

16. The proceedings of the committee shall not be invalidated by any vacancy or vacancies among its members or by any defects in the method of appointment of any of its members.

VI. CHAIRMAN AND VICE-CHAIRMAN

17. The committee shall appoint from its own number a chairman and vice-chairman, but the chairman and vice-chairman shall not, at any time, be members of the same constituent authority. The chairman and the vice-chairman shall each hold office, if he continues to be a member of the committee, from the date of his appointment until the next four yearly appointment of members of the committee. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the committee. In the event of both the chairman and the vice-chairman being absent from any meeting the members present shall appoint a chairman for that meeting.

18. In the event of an equality of votes the chairman of the meeting shall have a casting vote as well as a deliberative vote.

VII. OFFICERS OF THE COMMITTEE

19. The appointment of the officers of the committee including the clerk to the committee and the treasurer to the committee shall be made by the committee, always provided that, for the period from and after the date on which this scheme is made by the Secretary of State until such appointments have been made by the committee, the Chief Executive of the Highland Region for the time being shall be clerk to the committee and the Director of Finance of the Highland Region for the time being shall be treasurer to the committee.

20. Such administrative and clerical services as may be required by the officers of the committee for the discharge of their functions under this scheme shall be furnished by their respective constituent authorities.

21. The committee may make arrangements with the constituent authorities, or any of them, for the provision of architectural services or other professional or technical services or advice in connection with police property within the combined area.

22. The committee shall make annually such payments as may from time to time be agreed with the respective constituent authorities for the services provided under the three immediately foregoing articles, and for any other services or accommodation provided for the committee by any of the constituent authorities.

VIII. MEETINGS

23. The committee shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix. Copies of the minutes of meetings of the committee shall be sent to the constituent authorities for their information.

24. The committee shall have power to make or adopt standing orders regulating its procedure and business.

IX. QUORUM

25. Eight members of the committee shall form a quorum.

X. SUB-COMMITTEE

26. The committee may appoint such sub-committees from its own number as it may from time to time consider necessary or desirable and may refer to such sub-committees such matters as the committee may from time to time specify by minute or in its standing orders.

XI. POWERS AND DUTIES OF THE COMMITTEE

27. The whole functions of the constituent authorities relating to police are, as from the appointed day, hereby delegated to the committee except functions relating to (a) the raising of money by rate, and (b) the amendment or revocation of this scheme.

28. Subject to the necessary order being made by the Secretary of State under section 19(5) of the Act (as applied by section 20 of the Act and section 21A(4) of the Act as inserted by section 146(7) of the Local Government (Scotland) Act 1973), the committee (a) shall be a body corporate by the name of the Northern Joint Police Committee, (b) shall have perpetual succession and a common seal, (c) shall have power to hold land, and (d) shall have power to borrow money.

XII. FINANCIAL ARRANGEMENTS

29. The expenditure of the committee in each year upon and incidental to the administration and maintenance of the combined force and any other expenditure which the committee requires to defray as part of its expenditure under and for the purposes of the Act, after deducting therefrom (a) all government grants towards the cost of the combined force, (b) all income from the investments and other assets of the combined former police pension funds of the constituent authorities and such portions of the capital of the said investments and assets as the committee may from time to time determine, and (c) all other receipts which require to be applied towards meeting such expenditure of the committee under and for the purposes of the Act, shall be apportioned among the constituent authorities in proportion to their products of a rate of a penny in the pound or their standard penny rate products, whichever is the higher, estimated for the area of each of the constituent authorities in accordance with the provisions of section 12 of the Local Government (Scotland) Act 1966(a) as amended by section 10(3) and Schedule 2, paragraph 27, of the Decimal Currency Act 1969(b).

(a) 1966 c. 51.

(b) 1969 c. 19.

30. The committee shall, before or as soon as may be after the commencement of each financial year, prepare an estimate of its income and expenditure on capital and revenue accounts for each financial year and shall submit the estimate to the constituent authorities by such date as may be agreed in each year.

31. For the purposes of the Local Government Superannuation (Scotland) Regulations 1974(a), the appropriate superannuation fund in relation to the pensionable employees of the committee shall be the superannuation fund of the Regional Council of the Highland Region.

XIII. ACCOUNTS AND AUDIT

32. An account of the committee's income and expenditure in each financial year, that is to say the year ending 15th May, shall be prepared and shall along with the vouchers and such financial statements and information as may be required, be submitted annually for audit to the auditor appointed in terms of section 96(4) of the Local Government (Scotland) Act 1973 and the provisions of Part VII of that Act, subject to the necessary modifications, shall apply to such audit in like manner as they apply to the accounts of a local authority.

33. The committee shall provide each of the constituent authorities annually with copies of the audited accounts of that committee.

XIV. PROPERTY, RIGHTS AND LIABILITIES

34. Subject as hereinafter in this article provided all property, rights and liabilities of the constituent authorities owned, held or incurred for police purposes are hereby transferred to the committee with effect from the appointed day, and all heritable property so transferred shall belong to and vest in the committee under and by virtue of this scheme, without the necessity of any conveyance or other process of law to that effect, provided that in relation to heritable property owned by any of the constituent authorities at the appointed day and used partly for police purposes and partly for other purposes, such property shall not be transferred to the committee in terms of this article, unless otherwise agreed, but shall remain vested in the constituent authority which shall be bound to make available suitable accommodation for police purposes and to lease such accommodation to the committee on such terms as may be agreed or, failing agreement, as may be determined by the Secretary of State. On any premises so transferred becoming surplus to the requirement of the committee the property shall revert to the constituent authority from which the subjects were transferred under this scheme, if that authority should so desire, at a price to be determined by the District Valuer of the Inland Revenue.

35. All funds, moveable property, equipment and stores owned, held or acquired for police purposes by the constituent authorities shall belong to and vest in the committee under and by virtue of this scheme.

XV. SETTLEMENT OF DIFFERENCES

36. Should any differences arise between the constituent authorities as to the true intent and meaning or the due implement of any of the provisions of this scheme, such differences shall be referred to the determination of the Secretary of State whose decision shall be final and binding upon the constituent authorities.

(a) S.I. 1974/812 (1974 II, p. 3093).

EXPLANATORY NOTE

(This Note is not part of the Order.)

The scheme which is set out in the schedule to this Order provides for the combination of the police areas of the region of Highland and the islands areas of Orkney, Shetland and the Western Isles for police purposes from 16th May 1975, and for the establishment of a police force for the combined area and its administration by a joint police committee for the 4 authorities.

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