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STATUTORY INSTRUMENTS

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**1996 No. 780 (S.89)**

**POLICE**

**The Police Grant (Scotland) Order 1996**

<i>Made</i>	- - - -	<i>12th March 1996</i>
<i>Laid before Parliament</i>		<i>13th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 32(1) of the Police (Scotland) Act 1967(1), and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Police Grant (Scotland) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Police (Scotland) Act 1967;

“authority” means—

(a) a police authority (not being a constituent authority); or

(b) where the police area is amalgamated with another, the joint police board for the relevant combined area;

“financial year” means the period of 12 months commencing on 1st April;

“police grant” means sums payable under section 32(1) of the Act towards relevant expenses;

“prescribed sum” means the sum calculated in relation to an authority in accordance with article 4 of this Order;

“relevant expenses” means expenses of authorities for the purposes of the Act, other than those expenses which are excluded by section 32(1) of the Act.

**Amount of police grant payable in respect of the financial year 1996/97**

2.—(1) Subject to the provisions of this Order, the amount of police grant payable to an authority in respect of the financial year commencing on 1st April 1996 shall be whichever is the lesser of—

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(1) 1967 c. 77; section 32(1) was amended by the Police and Magistrates' Courts Act 1994 (c. 29), section 63(6), and the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 71(13)(a).

- (a) a sum equal to 51 *per centum* of the net amount of relevant expenses for that year incurred by the authority; and
- (b) the prescribed sum applicable to that authority in respect of that financial year.

(2) Subject to the provisions of this Order, police grant payable by virtue of paragraph (1) above shall, unless an amalgamation scheme otherwise provides, be paid to the authority incurring the relevant expenses in respect of which the grant is made.

### **Calculation of the net amount of the relevant expenses of an authority**

3. For the purposes of article 2(1)(a) above, the net amount of the relevant expenses of an authority shall be calculated by deducting from the gross amount of such expenses incurred during the financial year commencing on 1st April 1996 any sums received or withheld by the authority under the following heads:—

- (a) receipts for the services of constables employed at the expense of any person other than an authority;
- (b) receipts for the services of constables lent to other police forces;
- (c) deductions from the pay of constables;
- (d) fees and fines due under any enactment to be credited to the Police Account;
- (e) receipts from the disposal by sale, lease or otherwise of Police Account assets;
- (f) any sums received in connection with the functions of the authority under section 95 of the Road Traffic Regulation Act 1984(2); and
- (g) receipts of any other description in connection with any of the authority's functions relating to police, other than any sums paid to the authority by the Secretary of State by virtue of the Act.

### **Calculation of the prescribed sum**

4.—(1) For the purposes of article 2(1)(b) above, the prescribed sum (S) in pounds applicable to an authority in respect of the financial year commencing on 1st April 1996 is given by the formula—

$$S = A + B : C - D.$$

(2) In the formula specified in paragraph (1) above—

A shall be calculated in accordance with Schedule 1 to this Order;

B represents the sum equal to 51 *per centum* of the total amount of charges incurred by an authority in the financial year commencing on 1st April 1996 in respect of loans obtained, or arrangements for leasing of moveable property entered into, in connection with any of the authority's functions relating to police;

C represents the sum equal to 51 *per centum* of the total amount of capital expenditure on functions relating to the police which an authority has incurred in the financial year commencing on 1st April 1996 other than such expenditure funded by loans or from the proceeds of sale of a capital asset;

D represents the total of any expenses recoverable by the Secretary of State from an authority in respect of the financial year commencing on 1st April 1996 by virtue of articles 2 and 3 of the Common Police Services (Scotland) Order 1996(3).

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(2) 1984 c. 27.

(3) S.I. 1996/745.

### **Timing and manner of payment of police grant**

5.—(1) The police grant payable to an authority in terms of article 2 above shall be paid at the times and in the manner and subject to the requirements specified in this article.

(2) The Secretary of State may make to an authority from time to time during the financial year commencing on 1st April 1996 payments on account of police grant payable to that authority in respect of that year of a sum not exceeding a sum equal to 97.5 *per centum* of an estimate of police grant payable to the authority in terms of article 2(1) above which the Secretary of State may make for the purposes of that year.

(3) The balance of any police grant payable to an authority in terms of article 2(1), after payment of sums on account in terms of paragraph (2) above, shall be determined by the Secretary of State after 31st March 1997 after examination of such audited financial statements and such books, records, documents and accounts relating thereto as he may require an authority to submit to him.

(4) Where following such examination as is mentioned in paragraph (3) above—

- (a) the Secretary of State determines that a balance of the sums payable in terms of article 2(1) above is due to be paid to an authority, he shall make payment of that balance to the authority; or
- (b) the Secretary of State determines that sums paid to an authority in terms of paragraph (2) above exceed the amount of police grant payable in terms of article 2(1) above, he shall recover that excess from the authority.

### **Conditions**

6.—(1) The payment of police grant in terms of article 2(1) above shall be conditional upon the Secretary of State being satisfied that—

- (a) the police area or combined area in question is efficiently policed;
- (b) the police force maintained under the Act for the police area or combined area is co-operating with other police forces;
- (c) the police force is efficiently and properly maintained, equipped and administered; and
- (d) the rates of pay and allowances of constables are paid in accordance with Regulations in force from time to time under section 26 of the Act.

(2) If the Secretary of State is not satisfied as to any matter mentioned in paragraph (1) above, he may withhold the police grant in whole or in part and either permanently or for such period as he may specify.

### **Revocations and savings**

7.—(1) Subject to paragraph (2) below, the Orders specified in Schedule 2 to this Order are hereby revoked.

(2) Notwithstanding the revocation of the Orders specified in Schedule 2 to this Order, the provisions of the Police Grant (Scotland) Order 1947(4) in force immediately before 1st April 1996 shall continue to apply in relation to any sums payable under section 32(1) of the Act and that Order in respect of the financial year ending on 31st March 1996.

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St Andrew's House,  
Edinburgh  
7th March 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

We approve,

12th March 1996

*Simon Burns*  
*Michael Bates*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE 1

Article 4(2)

## CALCULATION OF PRESCRIBED SUM

1. For the purposes of article 4(2), in relation to an authority the value of symbol A is the amount applicable to the authority in respect of the financial year commencing on 1st April 1996 which is given by the formula—

$$A = y \times 51\%$$

rounded to the nearest whole thousand pounds.

2. In paragraph 1 above—

$$y = d + e + f - g + h - i + j + k$$

3. In the formula specified in paragraph 2 above—

$$d = £448,748,000 \times m$$

$$e = £5,181,000 \times n$$

$$f = £13,543,000 \times m$$

$$g = (£12,644,000 \times m) + £(m \times 18.44 \times (p - 26.65))$$

$$h = £82,627,000 \times q$$

$$i = (£10,037,000 \times m) + £(m \times 7.64 \times (p - 26.65))$$

$$j = £46,801,000 \times r$$

$$k = £262,000 \times s$$

where—

- a m is the number of—
- (i) constables authorised for the relevant police force; and
  - (ii) officers (not being constables) employed for the assistance of constables fixed, by the police authority (not being a constituent authority) or, in the case of a force maintained for a combined area, the joint police committee at 30th June 1994 (standardised to an index value relative to a constable's salary by weighting numbers in each rank according to relative average salaries at 1st September 1993 salary scales) as a proportion of the total of such numbers for all police forces in Scotland on that date;
- b n is an allocation for the costs of any increase in the number of constables and officers (not being constables) employed for the assistance of constables of the relevant police force between 1st April 1996 and 31st March 1997 subject to a maximum increase of 10% of such numbers as a proportion of the total of the numbers of such increases for all police forces in Scotland in that period and subject to that limit;
- c p is the percentage of the population as at 21st April 1991 living within an area which, on an after 1st April 1996, comprises the area of an authority but outwith a settlement (being a continuously built-up area that is at least 1 kilometre distant from any other built-up area and which comprises a population of at least 10,000);
- d q is the average annual expenditure on police pensions for the relevant police force as extracted from the local financial returns for the financial years ending on 31st March in 1992, 1993 and 1994 submitted to the Secretary of State in terms of section 118 of the Local Government (Scotland) Act 1973<sup>(5)</sup> as a proportion of the total of such average annual expenditure for all police forces in Scotland in those years;

(5) 1973 c. 65; section 118(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 1, paragraph 31, by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 40 and Schedule 14 and by the

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- e r is the expenditure on rent and housing allowances for constables of the relevant police force as extracted from the local financial return for the financial year ending on 31st March 1994 submitted to the Secretary of State in terms of section 118 of the said Act of 1973 as a proportion of the total of such expenditure for all police forces in Scotland in that year;
- f s is the budget estimate of expenditure on police travel warrants for the relevant police force in the financial year ending on 31st March 1996 as supplied to the Secretary of State during that year by the relevant police authority or joint police committee as a proportion of the total of such expenditure for all police forces in Scotland in that year.

## SCHEDULE 2

Article 7(1)

### REVOCATIONS

(1) Orders revoked	(2) References
The Police Grant (Scotland) Order 1947	S.R. & O. 1947/1659
The Police Grant (Scotland) Order 1962	<a href="#">S.I. 1962/1199</a>
The Police Grant (Scotland) Order 1972	<a href="#">S.I. 1972/24</a>
The Police Grant (Scotland) Order 1973	<a href="#">S.I. 1973/362</a>
The Police Grant (Scotland) Order 1975	<a href="#">S.I. 1975/1056</a>
The Police Grant (Scotland) Amendment Order 1986	<a href="#">S.I. 1986/390</a>
The Police Grant (Scotland) Amendment Order 1995	<a href="#">S.I. 1995/3025</a>

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order replaces the Police Grant (Scotland) Order 1947 and determines the amount of police grant payable under section 32(1) of the Police (Scotland) Act 1967 to police authorities and joint police boards in respect of the financial year commencing on 1st April 1996.

The amount of police grant payable to an authority will be 51% of its net expenditure for the purposes of the Act (calculated under article 3) except where such expenditure exceeds a prescribed sum in which case the grant will be limited to that sum. The prescribed sum is determined by a formula set out in article 4 and Schedule 1.

Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 14; section 118(5) was amended by the Water (Scotland) Act 1980 (c. 45), Schedule 10.

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Articles 5 and 6 make provision with respect to the timing and manner of payment of police grant and the conditions subject to which it is payable.

Article 7 and Schedule 2 revoke the said Order of 1947 and Orders amending it.