



Police (Scotland) Act 1967

1967 CHAPTER 77

PART I

ORGANISATION OF POLICE FORCES

General functions and jurisdiction of constables

17 General functions and jurisdiction of constables

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

- (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 3 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.

(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.

Status: This is the original version (as it was originally enacted).

- (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.

- (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.

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

- (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

- (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.