



Police (Scotland) Act 1967

1967 CHAPTER 77

PART I

ORGANISATION OF POLICE FORCES

Police areas, police authorities and police forces

1 Police areas

- (1) Subject to the provisions of any amalgamation scheme, 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 Police authorities and their functions

- (1) For every police area which is a burgh, the town council, and for every police area which is a county, the county council, shall be the police authority and, subject to the provisions of any amalgamation scheme, shall have in relation to 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).

3 Establishments of police forces

- (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 Chief constables

- (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.
- (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

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(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).

5 Deputy and assistant chief constables

- (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 Constables below rank of assistant chief constable

- (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 Ranks

- (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.
- (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 Police cadets

- (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.
- (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 Employees other than constables

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.

10 Land: compulsory acquisition, etc.

- (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.
- (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

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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.