



# 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

- (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

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.

### *General provisions*

## **11 Aid of one police force by another**

- (1) If it appears to the chief constable of a police force that the resources of the force are insufficient to meet any particular circumstances he may apply for assistance to the chief constable of any other police force, who may thereupon arrange for such assistance to be given from the resources of that other force as in his opinion the circumstances of that other force permit.
- (2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) of this section cannot be made, or cannot be made in time, he may direct the chief constable of any police force to provide such constables or other assistance for that purpose as may be specified in the directions.
- (3) A copy of any directions given to the chief constable of any police force under subsection (2) of this section shall be sent to the police authority for the area for which that force is maintained and shall be binding on them so far as it affects then-functions in relation to that force.
- (4) The cost of any assistance given under any of the foregoing provisions of this section from the resources of a police force shall be divided between the police authorities concerned in such manner as may be agreed between them, or, in default of such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of any agreement, as may be directed by the Secretary of State.

## **12 Collaboration agreements**

- (1) If it appears to the chief constables of two or more police forces that any police functions can more efficiently be discharged by constables of those forces acting jointly, they may, with the approval of the police authorities for the areas for which those forces are maintained, make an agreement for that purpose.
- (2) If it appears to the police authorities for any two or more police areas that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained for those areas, they may make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in default of agreement, be determined by the Secretary of State.
- (4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.
- (5) If it appears to the Secretary of State that an agreement should be made under subsection (1) or subsection (2) or subsection (4) of this section, he may, after

considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.

### **13 Watching of premises or land under agreement with occupier**

- (1) The police authority for any police area may enter into an agreement with the occupier of any premises or land in the area, on such terms as may be specified in the agreement, for the guarding, patrolling and watching of the premises or land by constables of the police force maintained for the area.
- (2) The power conferred upon a police authority by subsection (1) of this section may be delegated by them, subject to such limitations and conditions as may be specified in the delegation, to the chief constable of the police force.

### **14 Extra policing of locality where works are being constructed**

- (1) Where—
  - (a) by reason of the construction of works on or over land in any part of a police area the number of people resident in that part of the area is temporarily increased to an abnormal extent, and
  - (b) the police authority for the area consider it expedient because of the circumstances aforesaid that the number of constables available for duty in that part of the area should be increased during the continuance of the said circumstances,the police authority may direct the chief constable of the police force maintained for the area to make such arrangements as he considers necessary (whether by the appointment of temporary constables or otherwise) for increasing the number of constables so available accordingly.
- (2) Where such arrangements as are mentioned in subsection (1) of this section have been made, the police authority may recover from the occupier of the land (or, if the occupier proves that some other person is responsible for the construction of the works, from that other person) such sums representing the cost necessarily incurred in each year in pursuance of the arrangements as may be agreed, or as may be fixed by a single arbiter appointed (in default of agreement as to the appointment) by the sheriff.
- (3) The provisions of this section shall be without prejudice; to the provisions of section 17(3) of this Act.
- (4) In this section " sheriff" does not include a sheriff-substitute.

### **15 Annual and other reports by chief constable**

- (1) The chief constable of a police force shall before 31st May in each year submit to the police authority a general report in writing on the policing, during the year ended on 31st December last preceding, of the area for which the force is maintained, and shall send a copy of the report to each of the other authorities specified in subsection (3) of this section.
- (2) Subject to the following provisions of this section, the chief constable of a police force shall, whenever required by any of the authorities specified in subsection (3) of this section, submit to that authority a report on such matters as may be so required, being matters connected with the policing of the area for which the force is maintained.

- (3) The authorities referred to in subsections (1) and (2) of this section are—  
the Secretary of State,  
the sheriff having jurisdiction in any part of the area,  
the magistrates of any burgh comprising any part of the area,  
the police authority.
- (4) If it appears to the chief constable that a report in compliance with a requirement made by the police authority in pursuance of subsection (2) of this section would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may, after consultation with the police authority, refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (5) Nothing in the foregoing provisions of this section shall require a chief constable to submit to the magistrates of any burgh or to any sheriff a report on matters which are not connected with the policing, respectively, of the burgh or of places in which the sheriff has jurisdiction.
- (6) In this section "sheriff" does not include a sheriff-substitute.

## **16 Declaration to be made by constables on appointment**

A person appointed to the office of constable of a police force shall on appointment make, before a sheriff, justice of the peace or magistrate of a burgh, a declaration in such terms as may be prescribed concerning the proper discharge of the duties of the office.

### *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

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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.
- (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.

### *Amalgamations*

## **19 Schemes for amalgamation of police forces**

- (1) If it appears to the police authorities for any two or more police areas that it is expedient that those areas should be combined for police purposes, they may for that purpose submit to the Secretary of State a scheme (in this Act referred to as an "amalgamation scheme") and the Secretary of State may by order approve any scheme so submitted to him.
- (2) Subject to the provisions of this Act, an amalgamation scheme shall make provision with regard to the following matters—
  - (a) the dis-establishment of the police forces maintained for the several police areas, the establishment and maintenance of a police force for the combined area, the appointment of the first chief constable of that force, and the transfer to that force of constables of the forces previously maintained for the several police areas comprised in the combined area;
  - (b) the constitution for the purposes of paragraph (c) of this subsection in relation to that force of a joint police committee consisting of such number of persons, being members of the constituent authorities, as may be specified in the scheme;
  - (c) the delegation to the joint police committee of the whole functions relating to police of the constituent authorities (except their power to levy a rate, their functions under this section, and such other functions as may be specified in the scheme);
  - (d) the payment by the constituent authorities in such proportions as may be specified in the scheme of the expenditure incurred by the joint police committee in the performance of the functions delegated to them;
  - (e) the audit of the accounts of the joint police committee by an auditor appointed by the Secretary of State and the application to such audit of the provisions of Part X of the Local Government (Scotland) Act 1947 (audit of accounts of local authorities).
- (3) The reference in subsection (2)(d) of this section to the expenditure incurred by the joint police committee is a reference to so much of the net expenditure of the committee as is not reimbursed to the committee under section 32 of this Act by sums paid out of moneys provided by Parliament.
- (4) Subject to the provisions of this Act, an amalgamation scheme may make provision with regard to all or any of the following matters—

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- (a) the transfer of property, rights and liabilities;
  - (b) the adjustment of liabilities between the constituent authorities;
  - (c) the settlement of differences between the constituent authorities;
  - (d) the transfer to the joint police committee of officers of any of the constituent authorities;
  - (e) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the constituent authorities of any service connected with the administration of the police force maintained for the combined area;
  - (f) any other matters incidental to or consequential on the provisions contained in the scheme.
- (5) The Secretary of State may, after consultation with the constituent authorities concerned, by order provide for the incorporation of any joint police committee, with perpetual succession and a common seal, and for conferring on such a committee power to hold land or to borrow money.
- (6) The expenses incurred by a constituent authority for the purpose of the payment to the joint police committee of the expenditure referred to in subsection (2)(d) of this section shall be defrayed in like manner as expenses of that authority for the purposes of their functions relating to police would have required to be defrayed if the amalgamation scheme had not been made.
- (7) For the purposes of the Local Government Superannuation (Scotland) Act 1937 the appropriate superannuation fund in relation to the contributory employees of a joint police committee shall be the superannuation fund of such one of the constituent authorities as may be determined by or under the amalgamation scheme.
- (8) Where an amalgamation scheme is to come into operation on a date subsequent to that on which it is approved, any appointment to be made, direction to be given or other thing to be done for the purposes of the scheme may be made, given or done at any time after the approval of the scheme so far as may be necessary for the purpose of bringing the scheme into operation on the first-mentioned date.
- (9) In this Act, unless the context otherwise requires—
- (a) any reference to a police area shall be construed as including a reference to a combined area ; and
  - (b) in relation to a police force maintained for a combined area, any reference to the police authority shall be construed as a reference to the police authorities for the several police areas comprised in the combined area, without prejudice however to any delegation of functions to the joint police committee by or under the amalgamation scheme.

## **20 Power of Secretary of State to make amalgamation schemes**

- (1) Subject to the provisions of this section, if it appears to the Secretary of State that the expediency in the interests of efficiency of making an amalgamation scheme for any police areas should be considered, and no scheme satisfactory to him has been submitted to him under section 19 of this Act by the police authorities for those areas before such date as he may fix, the Secretary of State may in accordance with the following provisions of this section by order make such scheme as he considers expedient; and the provisions of the said section 19 shall apply in relation to any such scheme as they apply in relation to schemes made under that section, with the

substitution in subsection (8) thereof for any reference to the approval of a scheme of a reference to the making of a scheme.

- (2) Before making a scheme under this section the Secretary of State shall send a copy of the proposed scheme to the police authorities concerned and shall specify in an accompanying notice the period within which objection may be made to the proposed scheme.
- (3) If, within the period specified in the notice, a police authority to whom notice has been given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be a constable or an officer of any Government department).
- (4) Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.
- (5) Any local inquiry held under subsection (3) of this section shall be held in public, and the provisions of subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to any such inquiry as they apply to an inquiry held under that section.
- (6) A draft of any statutory instrument embodying an order under this section, together with a copy of the proposed scheme to which the order applies, shall be laid before Parliament; and where a local inquiry has been held under this section with respect to the proposed scheme a copy of the report of the person by whom the inquiry was held shall also be laid before Parliament with the said draft.

## **21 Amendment and revocation of amalgamation scheme**

- (1) An amalgamation scheme may be amended or revoked by a subsequent scheme made under section 19 or section 20 of this Act, and the foregoing provisions of this Act and the provisions of section 25 thereof and of Schedule 2 thereto shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—
  - (a) for the division of the combined area into any two or more areas, being either police areas comprised in the combined area or new combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any additional police area;
  - (b) for the establishment or re-establishment and maintenance of police forces for any areas into which the combined area is divided as aforesaid;
  - (c) for the dissolution and winding up of any joint police committee constituted under the original scheme, or for the reconstitution of any such committee;
  - (d) for the transfer or retransfer to such police forces as may be determined by the subsequent scheme of constables of the force maintained for the combined area ;
  - (e) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the joint police committee;

- (f) for any other matters incidental to or consequential on the provisions of the subsequent scheme.

## **22 Compensation of officers prejudicially affected by amalgamation scheme**

- (1) If in consequence of an amalgamation scheme or of anything done thereunder any person who, immediately before the date when the scheme came into operation, was an officer employed by a constituent authority or by a joint police committee, suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in operation, be entitled to receive compensation under this section from such constituent authority or joint police committee as may be determined by or under that scheme.
- (2) Any person who, immediately before the date on which an amalgamation scheme came into operation, was an officer employed by a constituent authority or by a joint police committee and who, at any time within five years after the said date—
  - (a) has his services dispensed with or his emoluments reduced, otherwise than on the ground of misconduct, or
  - (b) relinquishes office by reason of his having been required to perform duties which are not analogous, or which are an unreasonable addition, to those which he was required to perform immediately before that date,
 shall for the purposes of this section be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments in consequence of the scheme.
- (3) For the purposes of the determination and payment of compensation under this section the provisions of section 318 of, and Schedule 11 to, the Local Government (Scotland) Act 1947 (compensation of officers of local authorities on transfer of functions) shall be incorporated with this section subject to such modifications as the Secretary of State may prescribe for the purpose of adapting those provisions to claims under this section.

## **23 Chief constable of police force affected by amalgamation scheme**

- (1) The chief constable of a police force shall not be transferred by an amalgamation scheme to the police force established by the scheme unless he is appointed as the first chief constable of that force or unless before the date when the scheme comes into operation he agrees to join that force in some other capacity.
- (2) A chief constable who is not transferred as aforesaid shall be deemed to have retired from his police force immediately before the date when the scheme came into operation, and during the period of three months beginning with the said date (or, if within those three months he joins the police force established by the scheme, during the period beginning with the said date and ending with the day before the date on which he joins that force) he shall be entitled to be paid by the joint police committee a salary and emoluments at the same rate as the salary and emoluments which he would have been entitled to receive had he continued to be the chief constable of his police force.

## **24 Constables engaged on central service or on overseas police service**

- (1) Where, immediately before the date when the amalgamation scheme comes into operation, either—

- (a) section 38(1)(a) of this Act, or
- (b) section 2 of the Police (Overseas Service) Act 1945 (members of home police forces engaged on overseas service),

applied to any person as having been a constable of a transferred force, that section shall, unless the amalgamation scheme otherwise provides, apply to him in relation to any period after the said date as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.

- (2) Nothing in subsection (1) of this section shall be construed as entitling a person who has engaged for a period of overseas service to revert to the new force as the chief constable of that force; but where any person who immediately before he so engaged was the chief constable of a transferred force would but for this provision be so entitled to revert to the new force, then, if he does not join that force in some capacity other than that of chief constable at the end of his period of overseas service in pursuance of an agreement in that behalf made by him during that period, section 23(2) of this Act shall apply to him as if for any reference therein to the date when the amalgamation scheme came into operation there were substituted a reference to the end of his period of overseas service.
- (3) In this section the expressions " transferred force " and " new force " have the same meanings as they have for the purposes of Schedule 2 to this Act, and the expression " overseas service " has the same meaning as it has for the purposes of the Police (Overseas Service) Act 1945.

## **25 Transitory provisions**

- (1) The transitory provisions set out in Schedule 2 to this Act shall have effect for the purposes of the alterations effected by virtue of an amalgamation scheme.
- (2) Where, immediately before the date on which an amalgamation scheme came into operation, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of the scheme, those proceedings may be carried on thereafter with the substitution, for that authority, of the authority to whom the property, rights or liabilities are transferred.