



# Police (Scotland) Act 1967

## 1967 CHAPTER 77

### PART II

#### CENTRAL ADMINISTRATION AND SUPERVISION AND COMMON SERVICES

##### *Functions of the Secretary of State*

#### **26 Regulations as to government and administration of police forces**

- (1) Subject to the provisions of subsections (8) and (9) of this section, the Secretary of State shall make regulations as to the government and administration of police forces.
- (2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may make provision with respect to the following matters, that is to say—
  - (a) the qualifications for appointment and promotion of constables;
  - (b) periods of service on probation ;
  - (c) voluntary retirement of constables ;
  - (d) the retirement of special or temporary constables ;
  - (e) the maintenance of discipline in police forces ;
  - (f) the suspension of constables of a police force from duty;
  - (g) the maintenance of personal records of constables;
  - (h) the duties which are or are not to be performed by constables;
  - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and any body recognised by the Secretary of State for the purposes of section 47 of the Police Act 1964 (membership of trade unions);
  - (j) the hours of duty, leave, pay and allowances of constables;
  - (k) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of regular constables;
  - (l) the issue, use and return of police clothing, personal equipment and accoutrements.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, not being earlier than 8th September 1955, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (4) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.
- (5) Regulations under this section shall provide for the making of such arrangements as to the hours of duty of constables as shall secure that every constable (not being above such rank as may be specified in the regulations) shall be allowed at least fifty-two days in a year on which he is not required to perform police duty, save on occasions of emergency, such days being distributed throughout the year with the object of securing, so far as practicable, to every such constable one day's rest in every seven.
- (6) Subject to the provisions of this section, regulations under this section may make different provision for different classes of constable and for constables of different rank.
- (7) For the purposes of this section and any regulations made thereunder the appropriate disciplinary authority in respect of any police force shall be—
- (a) in relation to the chief constable, deputy chief constable and any assistant chief constable, the police authority ;
  - (b) in relation to any other constable, the chief constable:
- Provided that, in relation to any such other constable in whose case the chief constable is interested otherwise than as chief constable or is a material witness, the appropriate disciplinary authority shall, if either the constable or the chief constable so elect, be the chief constable of such other police force as may be determined by or under the regulations.
- (8) Before making regulations under this section with respect to any of the matters mentioned in section 45(1) of the Police Act 1964 (which provides for the establishment of the Police Council for Great Britain for the consideration of certain questions), not being regulations relating to special constables, the Secretary of State shall take into consideration any recommendation made by the Police Council for Great Britain and furnish the Council with a draft of the regulations.
- (9) Before making regulations under this section, other than regulations in relation to the making of which subsection (8) of this section applies, the Secretary of State shall submit a draft either—
- (a) to the Police Advisory Board for Scotland, or
  - (b) to the Joint Central Committee and to such bodies or associations as appear to him to be representative of police authorities, chief constables and superintendents (including chief superintendents) respectively,
- and shall consider any representations made as to the draft by that Board or, as the case may be, by the Joint Central Committee or any of those bodies or associations.

## **27 Regulations for police cadets**

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- (2) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (3) Subsections (8) and (9) of section 26 of this Act shall apply in relation to the making of regulations under this section as they apply in relation to the making of regulations under that section.

## **28 Regulations as to standard of equipment**

The Secretary of State may make regulations requiring equipment provided or used for the purposes of a police force to satisfy such requirements as to design and performance as may be prescribed in the regulations.

## **29 Local inquiries**

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) shall apply to any inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.

## **30 Disciplinary appeals**

- (1) A constable who is dealt with for an offence against discipline may appeal to the Secretary of State.
- (2) On an appeal under this section the Secretary of State may—
  - (a) allow the appeal;
  - (b) dismiss the appeal; or
  - (c) vary the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.
- (3) The Secretary of State may direct the appellant to pay the whole or any part of his own expenses, but, subject to any such direction, all the expenses of an appeal under this section, including the expenses of the parties, shall be paid by the police authority.
- (4) Schedule 3 to this Act shall have effect in relation to any appeal under this section.

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**31 Powers of Secretary of State in relation to compulsory retirement of chief constable, etc.**

- (1) The Secretary of State may require a police authority to exercise their power under section 4(4)(d) of this Act to call on a chief constable to retire in the interests of efficiency, and the police authority shall comply with any such requirement.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power with respect to the deputy or an assistant chief constable the Secretary of State shall give the chief constable or deputy or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the police authority to exercise the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not a constable or an officer of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) Where the Secretary of State is satisfied that the whole or any part of the expenses of a chief constable or deputy or assistant chief constable in respect of an inquiry under this section was not reasonably incurred, he may direct the constable to pay those expenses or that part of those expenses, as the case may be, or such proportion of the whole or of that part as he may think fit, but, subject to any such direction, those expenses shall be paid by the police authority.

**32 Police grant**

- (1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and joint police committees for the purposes of this Act, other than those expenses to which section 19(6) or section 36(4) of this Act applies or may for the time being apply, such sums, at such times, in such manner and subject to such conditions as the Secretary of State may, with the approval of the Treasury, by order determine.
- (2) The Secretary of State may deduct from any sum payable by him under subsection (1) of this section to any police authority or joint police committee any sum due by that authority or committee to him by virtue of section 36(4) of this Act or by virtue of that subsection as applied by any order under section 36(5) of this Act.
- (3) Any statutory instrument embodying an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.