



# Police (Scotland) Act 1967 (repealed)

## 1967 CHAPTER 77

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Remedies and complaints against police*

#### **39 Liability for wrongful acts of constables.**

- (1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.
- (2) The police authority shall pay—
  - (a) any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required in connection with the settlement of any claim made against the chief constable of a police force by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief constable for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief constable; and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.
- (4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of the police force maintained for their area, or any constable for the time being required to serve with that force by virtue of section 11 of this Act <sup>F1</sup> or section 141 of the Criminal Justice and Public Order Act

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1994], in proceedings arising from any wrongful act or omission on the part of that constable, any expenses incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

#### Textual Amendments

- F1** Words in s. 39(4) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 17**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix B (which insertion fell (22.8.1996) by reason of the repeal of 1994 c. 33, **Sch. 10 para. 17** (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**)

#### 40 Information as to manner of dealing with complaints.

Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against constables are dealt with by the chief constable.

#### Modifications etc. (not altering text)

- C1** S. 40 power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

VALID FROM 01/08/1996

#### [40A <sup>F2</sup> Examination of handling of complaints against constables.

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A)(a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
  - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
  - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—

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- (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
- (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them, a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.]

#### Textual Amendments

**F2** S. 40A inserted (1.8.1996) by 1994 c. 29, s. 61; S.I. 1996/1646, art. 2, Sch. (with art. 3)

#### Modifications etc. (not altering text)

**C2** S. 40A power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

### *Offences and legal proceedings*

#### **41 Assaults on constables, etc.**

- (1) Any person who—
- (a) assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or a person assisting a constable in the execution of his duty, or
  - (b) rescues or attempts to rescue, or assists or attempts to assist the escape of, any person in custody,
- shall be guilty of an offence and on summary conviction shall be liable—
- (i) where he has not, within the period of two years immediately preceding the commission of the said offence, been convicted of an offence against this section, to a fine not exceeding [<sup>F3</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
  - (ii) where he has, within the first-mentioned period, been convicted of an offence against this section, to imprisonment for a period not exceeding nine months [<sup>F4</sup>or to a fine not exceeding the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975, or to both.]
- (2) The reference in subsection (1) of this section to a person in custody shall be construed as a reference to a person—
- (a) who is in the lawful custody of a constable or any person assisting a constable in the execution of his duty, or
  - (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

[<sup>F5</sup>(3) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.]

#### Textual Amendments

**F3** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), Sch. 2 Pt. II it is provided (1.4.1996) that s. 41(1)

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shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50

**F4** Words added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **s. 57**

**F5** [S. 41\(3\)](#) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 18**; [S.I. 1995/127](#), art. 2(1), **Sch. 1** Appendix B

## 42 Causing disaffection.

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the constables of any police force, or who induces, or attempts to induce, or does any act calculated to induce, any constable to withhold his services or to commit breaches of discipline, shall be guilty of an offence, and shall be liable—
  - (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
  - (b) on conviction on indictment, to imprisonment for a period not exceeding two years.
- (2) Any person convicted of an offence against this section shall be permanently disqualified from becoming or remaining a constable.

## 43 Impersonation, etc.

- (1) Subject to the provisions of this section, any person who—
  - (a) takes the name, designation or character of a constable for the purpose of obtaining admission into any house or other place or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, or
  - (b) wears any article of police uniform without the permission of the police authority for the police area in which he is, or
  - (c) has in his possession any article of police uniform without being able to account satisfactorily for his possession thereof.

shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding [<sup>F6</sup>level 4 on the standard scale] or to imprisonment for a period not exceeding three months.

- (2) Nothing in subsection (1) of this section shall make it an offence to wear any article of police uniform in the course of taking part in a stage play, or music hall or circus performance, or of performing in or producing a cinematograph film or television broadcast.
- (3) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark usually issued by any police authority to constables, or any article having the appearance of such article, badge or mark.

### Textual Amendments

**F6** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 7D** and by 1995 c. 40, ss. 3, 7(2), **Sch. 1 para. 10**, **Sch. 2 Pt. III** it is provided (1.4.1996) that s. 43(1) shall have effect

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as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale or 3 months instead of a fine not exceeding £50

#### 44 Offences by constables.

- (1) Any constable who wilfully absents himself from duty otherwise than in accordance with regulations made under Part II of this Act shall be guilty of an offence.
- (2) Any constable who neglects or violates his duty shall be guilty of an offence.
- (3) Any constable who fails without reasonable excuse to return to his chief constable (or other person appointed by the chief constable for the purpose), immediately upon being ordered to do so, any accoutrements or clothing which have been issued to him for the execution of his duty shall be guilty of an offence.
- (4) Any person who has been a constable of a police force and has failed without reasonable excuse to return to the chief constable of that force (or other person appointed by the chief constable for the purpose), when he ceased to be a constable of the force, any accoutrements or clothing which were issued to him for the execution of his duty shall be guilty of an offence.
- (5) Any person guilty of an offence against this section shall, without prejudice to the operation of any regulation made under this Act, or to any civil proceedings, be liable on summary conviction to a fine not exceeding [<sup>F7</sup>level 3 on the standard scale] or to imprisonment for a period not exceeding sixty days.

##### Textual Amendments

- F7** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 7D](#) and by [1995 c. 40, ss. 3, 7\(2\)](#), [Sch. 1 para. 10](#), [Sch. 2 Pt. III](#) it is provided (1.4.1996) that s. 44(5) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 3 on the standard scale or 60 days instead of a fine not exceeding £10

#### 45 Warrant to search for police accoutrements and clothing.

If a sheriff, [<sup>F8</sup>or justice of the peace] is satisfied on information on oath that there has been a failure to return duly any accoutrements or clothing issued to a constable for the execution of his duty, and that any of the said accoutrements or clothing are in any premises or place, he may grant a warrant to any constable named therein to enter and search the said premises or place at any reasonable hour, if necessary by force, and to seize and detain any of the said accoutrements or clothing which he may find therein.

##### Textual Amendments

- F8** Words substituted by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [Sch. 1 para. 32](#)

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*Miscellaneous*

**46 Rewards.**

- (1) Subject to the provisions of this section, on the recommendation of the chief constable of a police force the police authority may pay such sums by way of reward as they think fit—
  - (a) to any constable (other than the chief constable) of the police force who in their opinion has conducted himself in the performance of his duty with exceptional merit, or
  - (b) to any constable (other than the chief constable) of another police force who, while serving with the first-mentioned force in pursuance of the provisions of this Act relating to the mutual aid of police forces or to collaboration agreements, has in their opinion conducted himself in the performance of his duty with exceptional merit, or
  - (c) to any person who in their opinion has substantially contributed to the fulfilment of the functions of the police force.

(2) ..... F9

**Textual Amendments**

**F9** S. 46(2) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), ss. 25, 41, [Sch. 2 para. 13](#) and Sch. 4

**47 Criminal statistics.**

- (1) The chief constable of a police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State and to the police authority a statement with respect to the police area for which the force is maintained, showing for [<sup>F10</sup>such period as the Secretary of State may specify in the direction]—
  - (a) the number of offences reported to the police;
  - (b) the number of persons taken into custody by the police;
  - (c) the nature of the charges made against such persons respectively;
  - (d) the number of cases in which further criminal proceedings were taken and the result of any such proceedings;
  - (e) such further statistical information relating to the state of crime as the chief constable may think material or as the Secretary of State may direct.

[<sup>F11</sup>(2) The Secretary of State shall prepare such reports as he considers appropriate from such statements as he receives by virtue of subsection (1) above; and he shall lay any such report before Parliament and send a copy of it to each police authority.]

- (3) To enable a chief constable to perform the duty imposed on him by subsection (1) of this section—
  - (a) he shall keep, and maintain up to date at all times, sufficient records of all the matters specified in the said subsection, and
  - (b) he shall be entitled to obtain from the clerk of any court having criminal jurisdiction in any part of the area such information regarding those matters as may be available to the clerk and necessary for the purpose.

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### Textual Amendments

**F10** Words in s. 47(1) substituted (1.1.1995) by 1994 c. 29, s. 62(a); S.I. 1994/3075, art. 2, Sch.

**F11** S. 47(2) substituted (1.1.1995) by 1994 c. 29, s. 62(b); S.I. 1994/3075, art. 2, Sch.

### Supplemental

#### 48 Regulations, rules and orders.

- (1) The Secretary of State shall have power to make regulations prescribing anything which may be prescribed under this Act (except Schedule 3 thereto).
- (2) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument, and except where otherwise provided any such statutory instrument shall be laid before Parliament after being made.
- (3) Any power conferred by this Act to make an order shall include power to vary or revoke, by a subsequent order, any order made thereunder.

#### 49 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Secretary of State under this Act; and
  - (b) any increase attributable to this Act in the sums payable out of moneys so provided under any enactment.
- (2) Any sums which by virtue of any provision of this Act are received by the Secretary of State from police authorities or joint police committees, or deducted by him from moneys otherwise payable by him to any such authority or committee, shall be paid into the Exchequer.

#### 50 Meaning of “police area”, etc.

Except where the context otherwise requires, in this Act . . . <sup>F12</sup>

- (a) “police area” or “police district” means a police area within the meaning of section 1(2) of this Act as read with section 19(9)(a) thereof, and “combined area” means the area consisting of the police areas combined by an amalgamation scheme;
- (b) “police authority” has the meaning assigned to it by section 2(1) of this Act as read with section 19(9)(b) thereof;
- (c) “police force” means a police force maintained under this Act for a police area or a combined area;
- (d) any reference—
  - (i) to the chief officer of a police force shall be construed as a reference to the chief constable of that force;
  - (ii) to the chief constable or chief officer of police of, or appointed for, any area or district shall be construed as a reference to the chief constable of the police force maintained for the police area comprising that area or district;

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and any reference to the chief constable, or chief officer, of a police force shall be construed as including a reference to any other constable of the force who, during a vacancy in the office of the chief constable or during any absence of the chief constable from duty, is responsible for performing the functions of that office;

- (e) references to payments into or out of the police fund shall be construed as references to payments to or by the police authority.

**Textual Amendments**  
F12 Words repealed by Interpretation Act 1978 (c. 30), Sch. 3

**51 General interpretation.**

- (1) In this Act unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

“amalgamation scheme” means a scheme made under section 19 [F13section 20 or section 21A] of this Act, and “amending scheme” and “revoking scheme” mean respectively a scheme amending or revoking an amalgamation scheme;

..... F14  
“constable” means a constable (including the chief constable) of a police force; F15 . . .

“constituent authority” means a police authority which is a party to an amalgamation scheme;

“enactment” includes an order, regulation, rule, or other instrument having effect by virtue of an Act;

“functions” includes powers and duties;

“Joint Central Committee” means the three central committees of the Police Federation for Scotland sitting together as a joint committee;

“land” includes land covered by water;

“officer” includes “servant”;

“prescribe” (except in Schedule 3 to this Act) means prescribe by regulations made under this Act, and “prescribed” shall be construed accordingly;

“rank” means a rank prescribed under section 7 of this Act.

- (2) ..... F16

- (3) Any reference in this Act to the functions of a police force shall, unless the context otherwise requires, be construed as a reference to the functions of the constables of that force generally.[F17(3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.]

- (4) Except where the context otherwise requires, in this Act . . . F18 any reference to a constable (other than the chief constable) of, or appointed for, any area or district shall be construed as a reference to a constable (other than the chief constable) of the police force maintained for the police area comprising that area or district.



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- (5) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any subsequent enactment, including this Act.
- (6) Without prejudice to the provisions of section 52 of this Act, in this Act the expression “under this Act”, and any other expression describing any matter or thing by reference to this Act or to any provision of this Act, shall, if and so far as the context permits, be construed as including a reference to any enactment repealed by this Act or by the <sup>M1</sup>Police (Scotland) Act 1956 or by the <sup>M2</sup>Police Act 1964 or to the corresponding provision of any enactment so repealed.

#### Textual Amendments

- F13** Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 146(9)
- F14** Definition of “burgh” repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F15** Definitions of “regular constable”, “special constable” and “temporary constable” in s. 51(1) repealed (13.12.1995) by 1994 c. 29, ss. 63(9)(a), 93, Sch. 9 Pt. I; S.I. 1995/3003, art. 2, Sch.
- F16** S. 51(2) repealed by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), Sch. 29
- F17** S. 51(3A) inserted (1.1.1995) by 1994 c. 29, s. 63(9)(b); S.I. 1994/3075, art. 2, Sch.
- F18** Words repealed by Interpretation Act 1978 (c. 30), Sch. 3

#### Marginal Citations

- M1** 1956 c. 26.
- M2** 1964 c. 48.

## 52 Consequential amendments, repeals and savings.

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act :

Provided that the amendments of section 5(5)(a) of the <sup>M3</sup>Homicide Act 1957 contained in the said Schedule shall have effect only on the reviver of that Act by virtue of section 4 of the <sup>M4</sup>Murder (Abolition of Death Penalty) Act 1965.

- (2) The enactments mentioned in Schedule 5 to this Act, of which those in Part II of that Schedule are spent or are superseded by the provisions of subsequent enactments, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (3) Nothing in this Act shall affect any order, regulation, rule, scheme, agreement or appointment made, or direction given, or any other thing done, under any enactment repealed by this Act or by the <sup>M5</sup>Police (Scotland) Act 1956 or by the <sup>M6</sup>Police Act 1964, but any such order, regulation, rule, scheme, agreement, appointment, direction or thing shall, if and so far as it is in force at the commencement of this Act, continue in force so far as it could have been made, given or done under a corresponding provision of this Act and shall have effect, and be treated, as if it had been made, given or done under that corresponding provision.
- (4) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred before the commencement of this Act under any enactment.

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- (5) Where a constable of a police force, with the consent of the chief constable, has undertaken temporary service as a member of the instructing staff of any central training institution established under section 29(1) of the <sup>M7</sup>Police (Scotland) Act 1956 (central training and other common services), so much of that service as fell before 1st August 1964 shall be deemed, for the purposes of this Act and any Act relating to police pensions and (in either case) any enactment made thereunder, to be service as a constable of the said police force.
- (6) For the purpose of determining the punishment which may be imposed on a person in respect of the commission by him of an offence against any provision of this Act, an offence committed by that person against the corresponding provision of any enactment repealed by this Act shall be deemed to have been committed against the first-mentioned provision.
- (7) So much of any enactment or other document as refers expressly or by implication to any enactment repealed by this Act or by the <sup>M8</sup>Police (Scotland) 1956 or by the <sup>M9</sup>Police Act 1964 shall, in so far as the context permits and as may be necessary to preserve the effect of the first-mentioned enactment or other document, be construed as referring, or (as the case may require) as including a reference, to this Act or the corresponding enactment therein.
- (8) Nothing in this section or in section 51 of this Act, and nothing in Schedule 4 to this Act, shall be taken as affecting the general application of [<sup>F19</sup>sections 16(1) and 17(2) (a) of the <sup>M10</sup>Interpretation Act 1978] with regard to the effect of repeals.

#### Textual Amendments

**F19** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

#### Modifications etc. (not altering text)

**C3** The text of s. 52(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M3** 1957 c. 11  
**M4** 1965 c. 71.  
**M5** 1956 c. 26.  
**M6** 1964 c. 48.  
**M7** 1956 c. 26.  
**M8** 1956 c. 26.  
**M9** 1964 c. 48.  
**M10** 1978 c. 30.

### 53 Short title, extent and commencement.

- (1) This Act may be cited as the Police (Scotland) Act 1967.
- (2) The following provisions of this Act shall extend to the whole of Great Britain, namely, section 18; section 52(1) and Schedule 4, so far as they relate to enactments which so extend; and section 52(2) and Schedule 5, so far as they relate to section 5 of the

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<sup>M11</sup>Police (Scotland) Act 1956 and to the <sup>M12</sup>Police Act 1964; but save as aforesaid this Act shall extend to Scotland only.

- (3) This Act (except section 39 thereof) shall come into force at the expiration of a period of three months beginning with the date on which it is passed; and section 39 of this Act shall come into force on such date as the Secretary of State may by order appoint, and the order may be made with retrospective effect to any date specified in the order not being earlier than 10th June 1964.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (except section 39 thereof) comes into force.

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**Modifications etc. (not altering text)**

**C4** 1.1.1970 appointed under s. 53(3) by [S.I. 1969/1796](#)

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**Marginal Citations**

**M11** 1956 c. 26.

**M12** 1964 c. 48.

**Status:**

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**Changes to legislation:**

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