
STATUTORY INSTRUMENTS

1989 No. 66 (S.7)

POLICE

**The South Eastern Police (Amalgamation)
Amendment Scheme Order 1989**

Made - - - - 13th January 1989
Laid before Parliament 25th January 1989

WHEREAS in pursuance of section 21A(2) of the Police (Scotland) Act 1967((1)), the South Eastern Police (Amalgamation) Scheme 1975 made by and set out in the Schedule to, the South Eastern Police (Amalgamation) Order 1975((2)), amalgamated for police purposes, the police areas of Lothian Region and Borders Region into a combined area known as the Lothian and Borders Police Area;

AND WHEREAS, the councils of the Lothian Region and the Borders Region, being the police authorities for the police areas comprised within the Lothian and Borders Police Area, have submitted to the Secretary of State a Scheme for the amendment of the Scheme of 1975 under sections 19 and 21(1) of the said Act;

NOW THEREFORE, the Secretary of State, in exercise of the powers conferred on him by sections 19 and 21(1) of the said Act and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the South Eastern Police (Amalgamation) Amendment Scheme Order 1989.
2. The South Eastern Police (Amalgamation) Amendment Scheme 1988 which is set out in the Schedule to this Order, is hereby approved.

St Andrew's House,
Edinburgh
13th January 1989

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(1) 1967 c. 77; section 21A was inserted by the Local Government (Scotland) Act 1973 (c. 65), section 146(7).
(2) S.I.1975/633

SCHEDULE

Article 2

THE SOUTH EASTERN POLICE (AMALGAMATION) AMENDMENT SCHEME 1988

WHEREAS we, Lothian Regional Council and Borders Regional Council, are the police authorities for the police areas comprised in the Lothian and Borders Police Area constituted in terms of the South-Eastern Police (Amalgamation) Scheme 1975 (hereinafter referred to as “the principal Scheme”): AND WHEREAS we, the said Lothian Regional Council and Borders Regional Council, wish to amend the principal Scheme in the manner hereinafter provided: NOW THEREFORE in exercise of the powers conferred on us by sections 19 and 21(1) of the Police (Scotland) Act 1967 and by section 21A(4) of the said Act we hereby make the following Scheme:

1. This Scheme may be cited as the South Eastern Police (Amalgamation) Amendment Scheme 1988 and, notwithstanding the terms of article 2, articles 1, 2 and 11 of this Scheme shall come into operation as soon as the Scheme shall have been approved by order made by the Secretary of State for Scotland and all other articles of said Scheme shall come into operation on 1 April 1989.

2. Except where otherwise indicated any reference in this Scheme to a numbered article is a reference to the article so numbered in the principal Scheme.

3. In Article 4 the word “Force” (where it last occurs) shall be deleted.

4. In Article 11 between the word “number” (where it first occurs) and the word “substitute” there shall be inserted the words “including, where appropriate, its board members” and at the end of said article there shall be added the following sentence:—

“No member of the board entitled as such to attend any meeting of the board or of any sub-committee thereof may attend such meeting as a substitute member also.” .

5. In Article 13 between the word “shall” (where it first occurs) and the word “cease” there shall be inserted the word “automatically” and the words “on the expiry of 2 months thereafter or on the appointment of his successor whichever shall first occur” shall be deleted.

6. After Article 15 the following shall be inserted:—

“**15A.** The Chief Executive of each constituent authority shall forthwith notify in writing to the Chief Executive of the board (a) any vacancy occurring among the representative members of the constituent authority and (b) the name and address of the person appointed to fill said vacancy.”

7. For Article 17 there shall be substituted the following:—

“The board shall appoint from its own number a chairman and vice-chairman who shall hold office, if they continue to be members of the board, from the date of their appointment until the next four yearly appointment of members of the board.

The chairman shall preside at all meetings of the board. In the event of the chairman being absent from any meeting the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall appoint a chairman for that meeting.

An appointment shall be made by lot in the event of an equality of votes in the appointment of (a) the chairman of the board, (b) the vice-chairman of the board, and (c) the chairman for any meeting in the absence of both the chairman and vice-chairman of the board.” .

8. At the end of Article 19 there shall be added the following:—

“who shall be either the Chief Executive of the Lothian Regional Council or the Chief Executive of the Borders Regional Council.” .

9. For Article 21 there shall be substituted the following:—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Where under an agreement with the board, either of the constituent authorities places its own staff at the disposal of the board, the board shall make annually such payments as may from time to time be agreed with the respective constituent authorities for such services.” .

10. In Article 27 between the word “rate” and the word “and” there shall be inserted the words “or by community charge” .

11. In Article 29 the words “revenue account” shall be substituted for the words “capital and revenue accounts” and the word “January” shall be substituted for the word “February” .

12. In Article 30 the words from and including “their products of a rate” to the end of the Article shall be deleted and the following substituted therefor: “the adult populations of their respective areas as estimated for the relevant financial year by the Secretary of State for Scotland for the purpose of sub-paragraph (3) of paragraph 2 of Schedule 4 to the Abolition of Domestic Rates Etc (Scotland) Act 1987((3)).” .

13. For Article 31 there shall be substituted the following:—

“For the purposes of the Local Government Superannuation (Scotland) Regulations 1987((4)) the appropriate superannuation fund in relation to the pensionable employees (as defined in said Regulations) of the board shall be the superannuation fund administered by the Lothian Regional Council.” .

14. After Article 36 there shall be added the following:—

“XVI VARIATION OF SCHEME

37. Either constituent authority desiring to amend or revoke the Scheme shall give to the other constituent authority and to the Chief Executive of the board three months notice of the amendment or revocation proposed.” .

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confirms the approval of the Secretary of State to the South Eastern Police (Amalgamation) Amendment Scheme 1988.

The scheme approved by the order amends the provisions of the South Eastern Police (Amalgamation) Scheme 1975 by providing for the apportionment of the costs of the police service between the two Regional Councils as from 1st April 1989 in proportion to their adult populations rather than in proportion, as at present, to their penny rate products. There are also a number of other minor amendments.

(3) 1987 c. 47

(4) S.I. 1987/1850, amended by the Local Government Superannuation (Scotland) Amendment Regulations 1988 (S.I. 1988/625).