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STATUTORY INSTRUMENTS

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**1996 No. 745 (S.78)**

**POLICE**

**The Common Police Services (Scotland) Order 1996**

*Made* - - - - *7th March 1996*  
*Laid before Parliament* *11th March 1996*  
*Coming into force* - - *1st April 1996*

The Secretary of State in exercise of the powers conferred on him by sections 36(3) and (6) of the Police (Scotland) Act 1967(1), and of all other powers enabling him in that behalf, and after consultation in accordance with section 36(3) of that Act with the Joint Central Committee and such bodies or associations as appear to him to be representative of police authorities or of chief constables or superintendents, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Common Police Services (Scotland) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

“the Act” means the Police (Scotland) Act 1967;

“the aggregate expenditure” means the aggregate amount of the expenses incurred by the Secretary of State in the financial year commencing on 1st April 1996 or any subsequent financial year in providing the facilities and services under or by virtue of section 36(1) of the Act which are specified in article 2(3) below;

“constituent authority” means a police authority whose area is included in a combined area by virtue of an amalgamation scheme;

“financial year” means the period of one year commencing on 1st April;

“joint police board” means a joint police board constituted by an amalgamation scheme;

“joint police committee” means a joint police committee constituted by an amalgamation scheme;

“police grant” means sums payable under section 32(1) of the Act(2) towards the expenses of police authorities and joint police boards for the purposes of the Act (other than those expenses expressly excluded by section 32(1) of the Act);

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(1) 1967 c. 77; section 36 was substituted by the Police and Magistrates' Courts Act 1994 (c. 29), section 59 and further amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 71(15).

(2) Section 32(1) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 71(13).

“Statistical Return Form MKA” means the form(3) transmitted by the chief constable to the Secretary of State pursuant to section 47(1)(a) of the Act(4) which is prepared in accordance with the list of crimes and offences having effect in the relevant year which is set out in Appendix 2C of the Criminal Statistics Handbook issued by the Secretary of State to police authorities.

**Recovery of expenses incurred by the Secretary of State in providing facilities and services under or by virtue of section 36(1) of the Act**

2.—(1) This article makes provision for the recovery of expenses incurred by the Secretary of State in providing facilities and services under section 36(1) of the Act.

(2) The Secretary of State shall recover 50 *per centum* of the aggregate expenditure in accordance with paragraphs (4) to (7) below but shall not otherwise recover the balance of the aggregate expenditure.

(3) The facilities and services provided by the Secretary of State specified in this paragraph are—

- (a) central training;
- (b) the administration of the Police (Scotland) Promotion Examination;
- (c) the Standard Entrance Examination for entry to police forces in Scotland;
- (d) central recruitment publicity; and
- (e) central criminal records.

(4) Subject to paragraph (7) below, the Secretary of State shall recover 50 *per centum* of the aggregate expenditure by deducting from the amount of police grant payable to each police authority (not being a constituent authority) and joint police board in Scotland in each financial year a sum representing that authority or board’s proportion of the sum representing 50 *per centum* of the aggregate expenditure calculated—

- (a) in the case of the facilities and services specified in sub-paragraphs (a) to (d) of paragraph (3) above, in accordance with paragraph (5) below; and
- (b) in the case of the facilities and services specified in sub-paragraph (e) of paragraph (3) above, in accordance with paragraph (6) below.

(5) The calculation of the authority or board’s proportion recoverable in terms of paragraph (4) above in the case of the facilities and services specified in sub-paragraphs (a) to (d) of paragraph (3) above shall be made by applying to the sum representing 50 *per centum* of the aggregate expenditure the percentage figure R given by the formula—

$$\frac{X}{Y} \times 100$$

(expressed to 4 decimal places) after it has been rounded to the nearest ten thousandth of a *per centum* (any twenty thousandth of a *per centum* being rounded upwards) and where—

X is the maximum number of regular constables authorised for the relevant police force by the relevant police authority (not being a constituent authority) or, in the case of a force maintained for a combined area, the joint police committee at 30th June 1995;

Y is the aggregate number for all police forces in Scotland of the summation of the calculation made for the purposes of letter X above in respect of each such police force.

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(3) A copy of Form MKA and of the list of crimes and offences set out in Appendix 2C of the Criminal Statistics Handbook may be obtained free of charge from the Scottish Office Home Department, Police Division, St. Andrew’s House, Edinburgh, EH1 3DG.

(4) Section 47(1) was amended by the Police and Magistrates’ Courts Act 1994 (c. 29), section 62.

(6) The calculation of the authority or board's proportion recoverable in terms of paragraph (4) above in the case of the facilities and services specified in sub-paragraph (e) of paragraph (3) above shall be made by applying to the sum representing 50 *per centum* of the aggregate expenditure the percentage figure R given by the formula—

$$\frac{A + (0.5 \times B)}{C + (0.5 \times D)} \times 100$$

(expressed to 4 decimal places) after it has been rounded to the nearest ten thousandth of a *per centum* (any twenty thousandth of a *per centum* being rounded upwards) and where—

A is the number representing the annual average of the number of crimes occurring in—

- (a) in the case of a police authority (not being a constituent authority), the police area for which the relevant police force was maintained as at 31st December 1994; or
- (b) in the case of a joint police board, the police area or, as the case may be, combined area for which the relevant police force was maintained as at 31st December 1994,

which were recorded by the police force and shown in the Statistical Return Forms MKA (excluding groups 6 and 7 in that form) for the period of 3 years ending on 31st December 1994;

B is the number representing the annual average of the number of offences specified in groups 6 and 7 of the Statistical Return Form MKA occurring in the police area or combined area which were recorded by the police force and shown in the Statistical Return Forms MKA for the period of 3 years ending on 31st December 1994;

C is the aggregate number for all police forces in Scotland of the summation of the calculation made for the purposes of letter A above in respect of each such police force; and

D is the aggregate number for all police forces in Scotland of the summation of the calculation made for the purposes of letter B above in respect of each such police force.

(7) Where the aggregate of the sums representing individual proportions of police authorities and joint police boards calculated in terms of paragraphs (5) and (6) above is less than the sum representing 50 *per centum* of the aggregate expenditure, the balance shall not be recoverable.

### **Application of article 2 to other expenses incurred by the Secretary of State for the purposes of police forces generally**

**3.—**(1) The provisions of article 2(2), (4), (5) and (7) above shall apply in relation to the expenses incurred by the Secretary of State for the purposes of police forces in Scotland generally on or in connection with—

- (a) the Secretariat of the Association of Chief Police Officers in Scotland;
- (b) the Secretariat of the Association of Scottish Police Superintendents;
- (c) the Secretariat and the salary of the chairman and secretary of the Scottish Police Federation;
- (d) the Police Negotiating Board for the United Kingdom;
- (e) the attendance of constables of police forces in Scotland on the strategic command course at the Police Staff College for England and Wales;
- (f) the National Criminal Intelligence Service;
- (g) the National Co-ordinator of Ports Policing;
- (h) bomb search training in Great Britain;
- (i) the Animal Rights National Index of the United Kingdom;
- (j) Police Liaison Officers Abroad;

(k) the United Kingdom's financial contribution to the running of Europol,  
as those provisions apply in relation to the facilities and services specified in sub-paragraphs (a) to (d) of article 2(3) above.

(2) The provisions of article 2(2), (4), (6) and (7) shall apply in relation to the expenses incurred by the Secretary of State for the purposes of police forces in Scotland generally on or in connection with—

- (a) the Police National Computer maintained for police forces throughout Great Britain;
- (b) the National Identification Bureau; and
- (c) the Scottish Crime Squad,

as those provisions apply in relation to the facilities and services specified in sub-paragraph (e) of article 2(3) above.

### **Revocation**

4.—(1) Subject to paragraph (2) below, the Common Police Services (Scotland) Order 1995<sup>(5)</sup> is hereby revoked.

(2) Notwithstanding paragraph (1) above, the Common Police Services (Scotland) Order 1995 shall continue to apply in relation to any expenses recoverable by virtue of it in respect of the financial year commencing on 1st April 1995.

St Andrew's House,  
Edinburgh  
7th March 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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(5) S.I.1995/707.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order replaces the Common Police Services (Scotland) Order 1995. The changes effected by this Order are consequential upon the establishment of joint police boards and the reorganisation of police areas by virtue of section 21B of the Police (Scotland) Act 1967 (as inserted by section 34 of the Local Government etc. (Scotland) Act 1994).

Section 36(3) of the Police (Scotland) Act 1967 (as substituted by section 59 of the Police and Magistrates' Courts Act 1994) enables the Secretary of State to provide for the recovery from police authorities and joint police boards of expenses incurred by him in providing facilities or services under or by virtue of section 36(1) of the said Act of 1967.

Article 2 of the Order provides for the recovery of 50% of the expenses incurred by the Secretary of State in providing under or by virtue of section 36(1) of the said Act of 1967 the facilities and services specified in article 2(2).

Article 3 of the Order also provides for the application of provisions of article 2 to the expenses incurred by the Secretary of State for the purposes of police forces in Scotland generally on or in connection with the services or institutions specified in article 3.

Article 4 of the Order revokes, with a saving, the said Order of 1995.

A copy of the Statistical Return Form MKA and the list of crimes and offences set out in Appendix 2C of the Criminal Statistics Handbook referred to in article 2 may be obtained free of charge from the Scottish Office Home Department, Police Division, St Andrew's House, Edinburgh, EH1 3DG.