



Police (Scotland) Act 1967

1967 CHAPTER 77

PART I

ORGANISATION OF POLICE FORCES

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;

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- (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—
- (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;

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- (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.