



Police (Scotland) Act 1967 (repealed)

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 [^{F1}, and the conditions of service in,] police forces.

[^{F2}(1A) Regulations under this section may authorise the Secretary of State, the police authority or the chief constable to make provision for any purpose specified in the regulations.]

(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 ^{F3} . . . 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 ^{M1}Police Act 1964 (membership of trade unions);
- (j) the hours of duty, leave, pay and allowances of constables;

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- (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.
- [^{F4F4}(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or make provision for the establishment of, procedures for cases in which a constable may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and
 - (b) make provision for securing that any case in which a constable who holds a rank above that of superintendent may be dismissed, or dealt with in any of the other ways mentioned in paragraph (a) above, is decided by the police authority of the area for which the force is maintained.
- ^{F4}(2B) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (2A)(b) above—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief constables or other persons; or
 - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.
- ^{F4}(2C) Without prejudice to the generality of subsection (2A)(a) above, regulations under this section shall specify the circumstances in which, for the purposes of section 40A(2) of this Act, proceedings by virtue of that subsection are to be taken to have commenced.]
- (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.
- [^{F5}(5A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.]
- (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.

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- (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, [^{F6}any] 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) ^{F7}

- (9) Before making regulations under this section [^{F8}other than regulations with respect to any of the matters mentioned in section 1(1) of the ^{M2}Police Negotiating Board Act 1980], 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.

[^{F9}Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Words in s. 26(1) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(a); S.I. 1994/3075, art. 2, Sch.
- F2** S. 26(1A) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(1)(a)
- F3** Words in s. 26(2)(d) repealed (13.12.1995) by 1994 c. 29, ss. 47(5), 93, Sch. 9 Pt. I; S.I. 1995/3003, art. 2, Sch.
- F4** S. 26(2A)-(2C) inserted (8.8.1994 as regards para. (2B) and 1.1.1995 for specified purposes and otherwise *prosp.*) by 1994 c. 29, ss. 52(3), 94(1); S.I. 1994/2025, art. 3(2)(d); S.I. 1994/3075, art. 2, Sch.
- F5** S. 26(5A) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(b); S.I. 1994/3075, art. 2, Sch.
- F6** Word inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), Sch. 6 para. 32
- F7** S. 26(8) repealed by Police Act 1969 (c. 63), s. 4(8)
- F8** Words substituted by virtue of Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(4)
- F9** S. 26(10) inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 111(b)

Modifications etc. (not altering text)

- C1** S. 26 amended by Sex Discrimination Act 1975 (c. 65), s. 17(2)(8)
- C2** S. 26 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(b)(2)

Marginal Citations

- M1** 1964 c. 48.
- M2** 1980 c. 10.

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[26A ^{F10}Power to give directions to police authority after adverse report.

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 33(3) of this Act of any police force maintained under section 1 of this Act.
- (2) Where a report made to the Secretary of State on an inspection carried out for the purposes of this section states—
 - (a) that, in the opinion of the person making the report, the force inspected is not efficient; or
 - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient,
 the Secretary of State may direct the police authority or [^{F11}joint police board] for the area for which the force is maintained to take such measures as may be specified in the direction.

Textual Amendments

- F10** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F11** Words in s. 26A(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(10); S.I. 1996/323, art. 4(1)(b)(c)

[^{F12}26B Police efficiency: allocation of funds.

Without prejudice to the generality of subsection (2) of section 26A of this Act, the Secretary of State may under that subsection direct a police authority or [^{F13}joint police board] to allocate from their income, to the purpose of ensuring that a police force is efficient, such amounts as he shall specify.]

Textual Amendments

- F12** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F13** Words in s. 26B substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(11); S.I. 1996/323, art. 4(1)(b)(c)

[^{F14}26C Duty of compliance.

It shall be the duty of a police authority or [^{F15}joint police board] to comply with any direction given to them under section 26A or 26B of this Act.]

Textual Amendments

- F14** Ss. 26(A)-(C) inserted (1.4.1996) by 1994 c. 29, s. 54; S.I. 1995/492, art. 3, Sch. 2 (with art. 4)
- F15** Words in s. 26C substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 71(12); S.I. 1996/323, art. 4(1)(b)(c)

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.

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- (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 . . . ^{F16}^{F17}[(1A),(9) and (10)] 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.

Textual Amendments

F16 Words repealed by [Police Act 1969 \(c. 63\), s. 4\(8\)](#)

F17 Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 111\(2\)](#)

Modifications etc. (not altering text)

C3 [S. 27](#) amended by [Superannuation \(Miscellaneous Provisions\) Act 1967 \(c. 28\), s. 13](#) and [Sex Discrimination Act 1975 \(c. 65\), s. 17\(2\)\(8\)](#)

C4 [S. 27](#) amended by [Police Negotiating Board Act 1980 \(c. 10, SIF 95\), s. 2\(b\)\(2\)\(3\)](#)

C5 [S. 27](#) restricted (22.8.1996) by [1996 c. 16, ss. 62\(1\)\(b\)\(3\), 104\(1\)](#)

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) [^{F18}Subsections (3) to (8) of section 210 of the ^{M3}Local Government (Scotland) Act 1973] (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.

Textual Amendments

F18 Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 146\(6\)](#)

Marginal Citations

M3 [1973 c. 65.](#)

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[30 ^{F19} **Appeals against dismissal etc.**

- (1) A constable who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (2A) of section 26 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to such a tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
 - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
 - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals under this section to a police appeals tribunal.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents and may, in particular, apply subsections (4) and (5) of section 210 of the ^{M4}Local Government (Scotland) Act 1973 with such modifications as may be set out in the rules.
- (5) Schedule 3 to this Act shall have effect in relation to appeals under this section.
- (6) Rules made under this section may make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient in consequence of the coming into operation of an amalgamation scheme, amending scheme or revoking scheme while an appeal under this section is pending; and without prejudice to the generality of this subsection, such provision may in particular include modifications to Schedule 3 to this Act in that Schedule's application to any case affected by the making of such a scheme.]

Textual Amendments

F19 S. 30 substituted (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, s. 55(1); S.I. 1994/3075, art. 2, Sch.; S.I. 1996/1646, art. 2, Sch.

Marginal Citations

M4 1973 c. 65.

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 ^{F20}[^{F21}an] assistant chief constable] the Secretary of State shall give the chief constable ^{F22}. . . or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.

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- (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^{F23} . . . 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.

Textual Amendments

- F20** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 para. 33](#)
- F21** Words in s. 31(2) substituted (1.4.1995) by [1994 c. 29, s. 63\(5\)\(a\)\(i\)](#); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)
- F22** Words in s. 31(2) repealed (1.4.1995) by [1994 c. 29 ss. 63\(5\)\(a\)\(ii\), 93](#), Sch. 9 Pt. I; S.I. 1995/492, art. 2, [Sch.](#) (with art. 4)
- F23** Words in s. 31(4) repealed (1.4.1995) by [1994 c. 29, ss. 63\(5\)\(b\), 93](#), [Sch. 9 Pt. I](#); S.I. 1995/492, art. 2, [Sch. 1](#) (with art. 4)

32 Police grant.

- (1) There shall be paid out of moneys provided by Parliament towards the expenses of police authorities and [^{F24}joint police boards] for the purposes of this Act, other than those expenses to which section 19(6) [^{F25}, section 32A] 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 [^{F26}joint police board] any sum due by that authority or [^{F27}board] 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.

Textual Amendments

- F24** Words in s. 32(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 71\(13\)\(a\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F25** Words in s. 32(1) inserted (1.1.1995) by [1994 c. 29, s. 63\(6\)](#); S.I. 1994/3075, art. 2, [Sch.](#)
- F26** Words in s. 32(2) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 71\(13\)\(b\)\(i\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F27** Word in s. 32(2) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 71\(13\)\(b\)\(ii\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

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Modifications etc. (not altering text)

- C6** S. 32 amended by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **s. 77(2)**
C7 S. 32 extended by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **s. 85(2)**

[32A ^{F28} **Grants for expenditure on safeguarding national security.**

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) by a police authority or [^{F29}joint police board]] in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

Textual Amendments

- F28** S. 32A inserted (1.1.1995) by [1994 c. 29, s. 56](#); S.I. 1994/3075, art. 2, **Sch.**
F29 Words in s. 32A(1) substituted (1.1.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 71(14)**; S.I. 1996/323, **art. 4(1)(b)(c)**

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