



# Police (Scotland) Act 1967

1967 CHAPTER 77

## PART III

MISCELLANEOUS AND GENERAL

### *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 and in any other enactment (whether passed or made before or after the commencement of this Act)—

- (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;

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.

## **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 or section 20 of this Act, and " amending scheme " and " revoking scheme " mean respectively a scheme amending or revoking an amalgamation scheme;

" burgh " has the same meaning as in the Local Government (Scotland) Act 1947;

" constable " means a constable (including the chief constable) of a police force; and " regular constable ", " special constable ", and " temporary constable " have the meanings assigned to them respectively by section 3(1) of this Act;

" 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 " ;

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*Status: This is the original version (as it was originally enacted).*

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" 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) Any reference in this Act to a county shall, unless the context otherwise requires, be construed as a reference to the county inclusive of any burgh situated therein which is not mentioned in Schedule 1 to this Act, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly.
- (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.
- (4) Except where the context otherwise requires, in this Act and in any other enactment (whether passed or made before or after the commencement of this Act) 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.
- (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 Police (Scotland) Act 1956 or by the Police Act 1964 or to the corresponding provision of any enactment so repealed.

## **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 amendment of section 5(5)(a) of the 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 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 Police (Scotland) Act 1956 or by the 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

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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.
- (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 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 Police (Scotland) Act 1956 or by the 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 section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

### **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 Police (Scotland) Act 1956 and to the 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.