



Police (Scotland) Act 1967 (repealed)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;
- [^{F4}(e) the conduct and efficiency of constables;]
- (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 [^{F5}section 64 of the Police Act 1996] (membership of trade unions);
- (j) the hours of duty, leave, pay and allowances of constables;

Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.

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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.

[^{F6F6}(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.

^{F6}(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.

^{F6}(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.

[^{F7}(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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^{F8}(7)

(8) ^{F9}

(9) Before making regulations under this section [^{F10}other than regulations with respect to any of the matters mentioned in section 61(1) of the Police Act 1996], 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.

[^{F11}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(2)(e) substituted (1.8.1996) by 1994 c. 29, s. 52(2); S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F5** Words in s. 26(2)(i) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1) Sch. 7 Pt. II para. 14(2)
- F6** S. 26(2A)-(2C) inserted (8.8.1994 as regards para. (2B) and 1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, s. 52(3); S.I. 1994/2025, art. 3(2)(d); S.I. 1994/3075, art. 2, **Sch.**; S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F7** S. 26(5A) inserted (1.1.1995) by 1994 c. 29, s. 53(1)(b); S.I. 1994/3075, art. 2, **Sch.**
- F8** S. 26(7) repealed (1.8.1996) by 1994 c. 29, ss. 52(4), 93, **Sch. 9 Pt. I**; S.I. 1996/1646, art. 2, **Sch.** (with art. 3)
- F9** S. 26(8) repealed by Police Act 1969 (c. 63), s. 4(8)
- F10** Words in s. 26(9) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 14(3)**
- F11** 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)
- C3** S. 26: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3
- C4** S. 26 restricted (22.8.1996) by 1996 c. 16, ss. 62(1)(b), 104(1) (which s. 62(1)(b) was repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. IV**; S.I. 1998/3178, art. 3)

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