STATUTORY INSTRUMENTS

1974 No. 165

POLICE

The Devon and Cornwall Police (Amalgamation) Order 1974

Made - - - - - - - - - - *30th January* 1974

Whereas, by virtue of the Devon and Cornwall Police Amalgamation Scheme 1967 (set out in the Devon and Cornwall Police (Amalgamation) Order 1967(a)) and the Devon and Cornwall Police Amalgamation (Amendment) Scheme 1968 (set out in the Devon and Cornwall Police (Amalgamation) (Amendment) Order 1968(b)), the areas of the existing counties of Cornwall and Devon, of the cities of Exeter and Plymouth, of the county borough of Torbay and of the Isles of Scilly have become a combined police area, known as the Devon and Cornwall police area:

And whereas the counties of Cornwall and of Devon established by the Local Government Act 1972(c) each comprise part of the said combined police area:

And whereas the police authority for the said combined police area, the councils of the counties of Cornwall and of Devon, established as aforesaid, and the council of the Isles of Scilly have, under sections 21 and 23 of the Police Act 1964(d) (as applied, amended and modified by section 26 of that Act, by sections 196 and 272 of the Local Government Act 1972 and by the Police Act 1964 (Modification of section 21) Order 1973(e)) have submitted to me the Scheme set out in the Appendix to this Order for the amalgamation for police purposes of the areas comprised in the counties of Cornwall and Devon, established as aforesaid, and the Isles of Scilly:

Now, therefore, in exercise of the power conferred on me by the said sections, I, by this Order approve the Scheme set out in the Appendix thereto.

This Order may be cited as the Devon and Cornwall Police (Amalgamation) Order 1974.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
30th January 1974.

(a) S.I. 1967/432. (b) S.I. 1968/387. (c) 1972 c.70.
(d) 1964 c.48. (e) S.I. 1973/840 (1973 II, p.2641).

APPENDIX

THE DEVON AND CORNWALL POLICE AMALGAMATION SCHEME 1974

Devon and Cornwall combined police area

1. On the appointed day the police areas consisting of the counties of Cornwall and Devon and the Isles of Scilly shall be amalgamated for police purposes and be constituted a combined police area which shall be known as the Devon and Cornwall police area.

Devon and Cornwall combined police authority

2.—(1) There shall be established, before the appointed day, a combined police authority for the combined police area, which shall be known as the Devon and Cornwall police authority.

(2) The combined police authority shall be constituted in accordance with Schedule 1 hereto and shall be a body corporate.

Devon and Cornwall constabulary

3. There shall be established, on the appointed day, a combined police force for the combined police area, which shall be known as the Devon and Cornwall constabulary.

Devon and Cornwall police fund

4.—(1) There shall be established a combined police fund for the payment of the expenses of the combined police authority and force, which shall be known as the Devon and Cornwall police fund.

(2) The combined police fund shall be constituted and administered in accordance with Schedule 2 hereto.

Officers and staff of combined police authority

5.—(1) The combined police authority shall appoint a clerk of the authority and a treasurer of the combined police fund and may appoint a deputy clerk of the authority and a deputy treasurer of the fund for the purpose of acting in the place of the officer of whom he is deputy whenever the office is vacant or the holder thereof for any reason is unable to act, and any person so appointed deputy, when acting as such and subject to the terms of his appointment, shall have all the functions of the holder of the office.

(2) The combined police authority may appoint such other officers and servants as they think necessary for the efficient discharge of their functions.

(3) The provisions of Schedule 3 hereto shall have effect in relation to officers and servants of the combined police authority.

Arrangements between combined police authority and constituent councils

6. The combined police authority may make arrangements with a constituent council for the use by the combined police authority of the services of officers and servants of that council and for the making of contracts and payments on behalf of the combined police authority by that council.

Interpretation

7.—(1) In this Scheme the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the appointed day" means 1st April 1974;

"the combined police area", "the combined police authority", "the combined police force" and "the combined police fund" mean, respectively, the area, authority, force and fund constituted or established in accordance with this Scheme;

"a constituent area" means an area mentioned in paragraph 1 of this Scheme, that is to say the county of Cornwall or of Devon, or the Isles of Scilly, and "a constituent council" means, in relation to such an area, the council of the county concerned, or of the Isles of Scilly;

"police purposes" includes the purposes of section 81 of the Road Traffic Regulation Act 1967(a) and "police functions" shall be construed accordingly.

(2) References in this Scheme to any enactment shall be construed as references to that enactment as amended, and as including references thereto as extended or applied by any subsequent enactment.

(3) The interpretation Act 1889(b) shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Citation and commencement

8.—(1) This Scheme may be cited as the Devon and Cornwall Police Amalgamation Scheme 1974.

(2) So far as this Scheme relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the Scheme into full operation on 1st April 1974, it shall come into force as soon as it shall have been approved by the Secretary of State.

(3) Subject to the preceding sub-paragraph, this Scheme shall come into force on 1st April 1974.

(a) 1967 c.76. (b) 1889 c.63.

SCHEDULE 1

DEVON AND CORNWALL POLICE AUTHORITY

1. The combined police authority shall consist of 45 members of whom—

(*a*) 30 shall be members of the constituent councils, and

(*b*) 15 shall be magistrates for the constituent areas.

2.—(1) Of the members of the combined police authority qualified as mentioned in sub-paragraph (*a*) of the preceding paragraph—

(*a*) 20 shall be appointed by the council of the county of Devon,

(*b*) 9 shall be appointed by the council of the county of Cornwall, and

(*c*) 1 shall be appointed by the council of the Isles of Scilly,

in each case from among the members of the council concerned.

(2) Of the members of the combined police authority qualified as mentioned in sub-paragraph (*b*) of the preceding paragraph—

(*a*) 10 shall be appointed by the magistrates' courts committee for the county of Devon, and

(*b*) 5 shall be appointed by the magistrates' courts committee for the county of Cornwall,

in each case from among the magistrates for the county concerned.

3.—(1) The members of the combined police authority first appointed shall be appointed, and the appointments shall take effect, as soon as is practicable after this Scheme shall have been approved by the Secretary of State and the members so appointed shall, subject to the provisions of this Scheme, serve on the authority until 31st May 1977.

(2) The members of the combined police authority, other than those first so appointed, shall be appointed on or before 31st May in the year in which the appointments are to take effect.

(3) Appointments to the combined police authority, other than the first appointments, shall, subject to the provisions of this Scheme, be for a term of four years, and take effect on 1st June 1977 and in every fourth year thereafter, being the year in which county councillors are elected.

4. A member of the combined police authority may resign his membership by giving the clerk of that authority notice in writing to that effect.

5.—(1) If a casual vacancy occurs on the combined police authority, whether through a person resigning therefrom, ceasing to be qualified for membership thereof or otherwise, the body which appointed that member shall, unless they determine that it is not necessary so to do, make an appointment to fill the vacancy at the next practicable meeting of the council or committee.

(2) A member of the combined police authority appointed in accordance with this paragraph shall, subject to the provisions of this Scheme, serve thereon for the period for which the member he replaces would have served had the vacancy not occurred.

6.—(1) The combined police authority from amongst its members shall elect annually a chairman and a vice-chairman, so however that the two persons so elected shall be members of the councils of, or magistrates for, different constituent areas.

(2) On a casual vacancy occurring in the office of chairman or vice-chairman the combined police authority from amongst its members shall forthwith fill the vacancy by election.

7.—(1) The first meeting of the combined police authority shall be convened by the chief executives of the Devon and Cornwall county councils as soon as possible after all the members of the authority have been appointed, and subsequent meetings shall be convened in such manner as the combined police authority shall determine, so however that in every year there shall be at least four meetings which shall be as near as may be at regular intervals.

(2) For the purposes of the first meeting of the combined police authority the chief executives of the Cornwall and Devon county councils shall be deemed to be, and shall act as, the clerks of the combined police authority.

8. At a meeting of the combined police authority 8 or such greater number as the authority may determine shall be a quorum.

9. The following provisions of the Local Government Act 1972, namely section 82 and paragraphs 39 to 44 of Schedule 12 shall apply to the combined police authority and any committee or sub-committee thereof as if references in the said provisions to a local authority were references to the combined police authority and references to that Act were references to this Scheme.

SCHEDULE 2

DEVON AND CORNWALL POLICE FUND

1.—(1) In respect of each financial year each constituent council shall pay to the combined police fund, in accordance with sub-paragraphs (2) and (3) of this paragraph, a contribution equal to its appropriate proportion of the net expenses of the combined police authority in respect of that year.

(2) In the first week of each month in each financial year each constituent council shall make a monthly interim payment into the combined police fund on account of its contribution payable under sub-paragraph (1) of this paragraph in respect of that year of an amount equal to a twelfth of the amount of that contribution as estimated by the combined police authority:

Provided that—

(*a*) the combined police authority may from time to time revise the said estimate, and the monthly interim payments payable during that year after the constituent councils have been notified of the revision shall be so increased or reduced as to adjust the difference, and

(*b*) in the event of the combined police authority making arrangements with a constituent council under paragraph 6 of this Scheme for the making of payments on behalf of the combined police authority by that council, the interim payments to be made by that council under this sub-paragraph shall be such as may be agreed between the combined police authority and that council taking into account payments made by that council on behalf of the combined police authority, so however that such interim payments shall be sufficient at all times to enable all financial obligations of the police authority to be met.

(3) Any difference between the total of the monthly interim payments made in respect of any financial year and the contribution payable in respect of that year shall be adjusted at the interim payment date next after the date on which the contribution payable in respect of that year has been ascertained by a payment by or, as the case may be, to the constituent council which has made the payments.

(4) In each financial year the combined police authority shall submit to each constituent council, not later than 31st December, a revised estimate for that year, and an estimate for the following year, of its expenditure and of its income, other than contributions payable under this paragraph, in the financial year in question.

2.—(1) The accounts of the combined police authority shall be open at all reasonable times to inspection and transcription without payment by any member of a constituent council or by any officer of such a council authorised by that council for the purpose.

(2) The accounts of the combined police authority shall be subject to audit by a district auditor and, in relation to those accounts, the provisions as to accounts and audit contained in sections 155 to 161, 163, 165 and 167 of the Local Government Act 1972, and the provisions of the regulations as to accounts from time to time in force under section 166 of that Act, shall apply as they apply in relation to accounts which are subject to audit under Part VIII of the said Act where that audit is carried out by a district auditor.

(3) A copy of the abstract of the accounts of the combined police authority and of any report to the combined police authority made by the district auditor shall be sent by that authority to each of the constituent councils as soon as may be practicable after the completion of the audit.

3.—(1) In this Schedule the expression "financial year" means the period of 12 months ending on 31st March and, for the purpose thereof, the net expenses of the combined police authority and force in respect of any financial year shall be the amount of such expenses in respect of that year less all income (including government grant) which is credited to the combined police fund in respect of that year, other than contributions payable under paragraph 1 of this Schedule.

(2) In this Schedule the expression "the appropriate proportion" means, in respect of each financial year and in the case of each constituent council, the aggregate of the two following proportions:—

(*a*) one-half of the proportion which the population of the constituent area in question bears to the population of the combined police area;

(*b*) one-half of the proportion which the number of members of the combined police force and traffic wardens assigned to duties relating to the constituent area in question bears to the aggregate of the numbers of such members and traffic wardens assigned to duties relating to that and the other constituent areas;

in both cases determined in accordance with the next following sub-paragraph.

(3) For the purposes of the preceding sub-paragraph—

(*a*) the population of an area shall be that population as estimated by the Registrar-General of Births, Deaths and Marriages as at 30th June in the financial year in question;

(*b*) the number of members of the combined police force and traffic wardens shall be the average of the numbers assigned to duties on 30th June and 31st December in the financial year in question;

(*c*) the number of members of the combined police force assigned to duties relating to any constituent area shall, subject as hereinafter provided, be the number engaged in the preservation of the peace of that area, the apprehension of offenders in that area and in such other police duties and responsibilities as would be undertaken by the police force of that area, if there were a separate police force for that area;

(*d*) the number of traffic wardens assigned to duties relating to any constituent area shall, subject as hereinafter provided, be the number engaged in the control and regulation of road traffic or with the enforcement of the law relating to road traffic in that area;

(*e*) in determining the number of members of the combined police force and traffic wardens assigned to duties relating to a constituent area—

(i) no account shall be taken of the staff at the headquarters of the combined police force who are fully engaged in duties relating to the whole of the combined area and no proportion of whose working time can be fairly attributed to any particular constituent area;

(ii) appropriate apportionments shall be made on account of persons assigned to duties not wholly relating to a particular constituent area, having regard to the proportion of their working time during which they are normally so engaged; and

(iii) appropriate additions (and apportionments) shall be made on account of civilian employees (not being police cadets) performing administrative or clerical duties;

(*f*) the appropriate proportion in respect of each financial year and in the case of each constituent council shall be agreed between the constituent councils and for this purpose the chief constable and the officers of the combined police authority shall provide to the officers of the constituent councils such information and particulars as they may reasonably require and in the event of disagreement as to the appropriate proportions the matter shall be settled by the arbitration or decision of the Secretary of State.

SCHEDULE 3

Officers and Servants of the Devon and Cornwall Police Authority

1. The clerk of the combined police authority and the treasurer of the combined police fund shall hold office during the pleasure of the authority, so however that neither of them shall be dismissed from his office without the consent of the Secretary of State.

2. The offices of clerk of the combined police authority and of treasurer of the combined police fund shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

3. Subject to paragraph 1 of this Schedule, ever officer and servant of the combined police authority shall hold office during the pleasure of the authority.

4. The following provisions of the Local Government Act 1972, namely sections 114, 115, 116, 117(1), (2) and (3), 118 and 119, shall apply to the officers and servants of the combined police authority as if references in those provisions to a local authority, other than references to a parish council, were references to the combined police authority and references to that Act were references to this Scheme.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order contains the Secretary of State's approval to a Scheme, submitted to him for approval under the Police Act 1964, for the amalgamation for police purposes of the new counties of Cornwall and of Devon and the Isles of Scilly.

Printed in England by the Harrison Eden Fisher Group, and published by Her Majesty's Stationery Office
17/J76080 B79 K7 2/74

9p net

ISBN 0 11 040165 4