STATUTORY INSTRUMENTS

1974 No. 417

POLICE

The Hampshire Police (Amalgamation) Order 1974

Made - - - - *9th March* 1974

Whereas, by virtue of the Hampshire Police Amalgamation Scheme 1967 (set out in the Hampshire Police (Amalgamation) Order 1967(a)), the areas of the existing counties of Hampshire and of the Isle of Wight and of the cities of Portsmouth and of Southampton have become a combined police area, known as the Hampshire police area:

And whereas the counties of Hampshire and of the Isle of Wight established by the Local Government Act 1972 (b) together comprise part of the said combined police area:

And whereas the police authority for the said combined police area and the councils of the counties of Hampshire and of the Isle of Wight, established as aforesaid, have, under sections 21 and 23 of the Police Act 1964 (c) (as amended and modified by sections 196 and 272 of the Local Government Act 1972 and by the Police Act 1964 (Modification of section 21) Order 1973(d)), 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 Hampshire and of the Isle of Wight, established as aforesaid:

And whereas the councils of the counties of Hampshire and of the Isle of Wight, established as aforesaid, and the councils of the existing counties of Hampshire and of the Isle of Wight and of the cities of Portsmouth and of Southampton have requested that the combined police authority to be constituted by the Scheme should be a committee of the council of the county of Hampshire established as aforesaid:

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 Hampshire Police (Amalgamation) Order 1974.

Roy Jenkins,

One of Her Majesty's
Principal Secretaries of State.

Home Office,
Whitehall.
9th March 1974.

(a) S.I. 1967/143. (b) 1972 c. 70. (c) 1964 c. 48. (d) S.I. 1973/840 (1973 II, p. 2641).

APPENDIX

THE HAMPSHIRE POLICE AMALGAMATION SCHEME 1974

Combined police area

1. On the appointed day the police areas consisting of the counties of Hampshire and the Isle of Wight shall be amalgamated for police purposes and be constituted a combined police area which shall be known as the Hampshire police area.

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 Hampshire police authority.

(2) The combined police authority shall be constituted in accordance with Schedule 1 hereto and shall be a committee of the council of the county of Hampshire.

Police force

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

Police fund

4.—(1) The expenses of the combined police authority and force shall be paid out of the police fund for the combined police area which shall be the Hampshire county fund.

(2) There shall be paid into the said fund, out of the Isle of Wight county fund, contributions assessed in accordance with Schedule 2 hereto.

Clerk of combined police authority and civilian employees

5.—(1) The county chief executive for the time being and the county secretary for the time being of the council of the county of Hampshire shall be, respectively, the clerk and the deputy clerk of the combined police authority, and the deputy clerk of the authority shall act in the place of the clerk whenever the office is vacant or the holder thereof for any reason is unable to act, and, when acting as deputy clerk and subject to the directions of the authority, shall have all the functions of the holder of the office of clerk of the authority.

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

(3) Every officer and servant appointed under the preceding sub-paragraph 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 a combined police authority and references to that Act were references to this Scheme.

6.—(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 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 Hampshire or of the Isle of Wight and "a constituent council" means, in relation to such an area, the council of the county concerned;

"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

7.—(1) This Scheme may be cited as the Hampshire 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.

SCHEDULE 1

HAMPSHIRE POLICE AUTHORITY

1. The combined police authority shall consist of 36 members of whom—

(a) 24 shall be members of the constituent councils, and

(b) 12 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 Hampshire;

(b) 4 shall be appointed by the council of the county of the Isle of Wight;

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

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

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(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 Hampshire;

(b) 2 shall be appointed by a meeting of the magistrates for the county of the Isle of Wight;

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 that body.

(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.

(2) On a casual vacancy occurring in the office of the 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 county chief executive of Hampshire county council 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 county chief executive of Hampshire county council shall be deemed to be, and shall act as, the clerk of the combined police authority.

8. At a meeting of the combined police authority 12 or such greater number as the authority may determine shall be a quorum.

9. Section 82 of the Local Government Act 1972 shall apply in relation to the combined police authority as if the reference therein to that Act were a reference to this Scheme.

SCHEDULE 2

CONTRIBUTIONS TO POLICE FUND

1.—(1) In respect of each financial year the Isle of Wight county council shall pay to the police fund, in accordance with sub-paragraphs (2) and (3) of this paragraph a contribution equal to six per centum of the net expenses of the combined police authority and force in respect of that year.

(2) In the first week of each month in each financial year the Isle of Wight county council shall make a monthly interim payment into the 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 that contribution as estimated by the combined police authority:

Provided that the combined police authority may from time to time revise the said estimate, and the monthly interim payments payable during that year after the Isle of Wight county council has been notified of the revision shall be so increased or reduced as to adjust the difference.

(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 Isle of Wight county council.

2. 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 police fund in respect of that year, other than contributions payable under paragraph 1 of this Schedule.

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 under the Police Act 1964, for the amalgamation for police purposes of the new counties of Hampshire and of the Isle of Wight.