EXPLANATORY NOTE

(This Note is not part of the scheme, but is intended to indicate its general purport.)

The Police (Overseas Service) Act, 1945, empowers the Secretary of State to make regulations for the government, discipline, pensions, allowances and gratuities in respect of persons engaged under his control in the performance of police duties in any foreign country.

The Police (Overseas Service) British Element Trieste Force has been established under the control of the Secretary of State for police duties in Trieste and Venezia Giulia.

These regulations provide for the appointment, resignation and dismissal of members of the force.

POLICE, SCOTLAND

The Lothians and Peebles Police (Amalgamation) Order, 1950

1950 No. 36 (S. 1)

Made - - - -	*5th January*, 1950
Coming into Operation	16*th May*, 1950

In exercise of the powers conferred on me by section one of the Police (Scotland) Act, 1946(**a**), I hereby order as follows:—

1. The amalgamation scheme set out in the Schedule to this Order, being an amalgamation scheme submitted to me by the police authorities for the police areas of the county of Midlothian, the county of East Lothian, the county of West Lothian and the county of Peebles, is hereby approved.

2. The joint police committee constituted by the said amalgamation scheme shall be a body corporate by the name of the Lothians and Peebles Joint Police Committee with perpetual succession and a common seal, and shall have power to hold land and to borrow money.

3.—(1) This Order may be cited as the Lothians and Peebles Police (Amalgamation) Order, 1950.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this fifth day of January, 1950.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 9 & 10 Geo. 6. c. 71. (b) 52 & 53 Vict. c. 63.

SCHEDULE

THE LOTHIANS AND PEEBLES POLICE (AMALGAMATION) SCHEME, 1949

I.—Definitions

1. In this Scheme except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say,

"Act" means the Police (Scotland) Act, 1946.

"combined area" means the combined police area constituted by this Scheme.

"combined force" means the combined police force established by this Scheme.

"Committee" means the Joint Police Committee constituted in terms of this Scheme.

"Constituent Authority" means the Police Authority of any of the Counties in the combined area.

The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

II.—Commencement of the Scheme

2. Subject to the subsequent provisions thereof, the Scheme shall come into operation on the sixteenth day of May Nineteen hundred and fifty (hereinafter referred to as "the appointed day"). Concurrently therewith the portions of the Administrative Schemes of the Constituent Authorities which apply to functions of the Constituent Authorities relating to police shall be superseded and cease to have effect.

III.—Combined Police Force for the Combined Area

3. The police areas respectively of the Counties of Midlothian, East Lothian, West Lothian and Peebles shall on the appointed day be amalgamated for police purposes and the combined area so constituted shall be called the Lothians and Peebles Police Area.

4. There shall be established on the appointed day a combined force for the combined area which shall be called the Lothians and Peebles Constabulary.

5. The administrative Headquarters of the combined force shall be situated in Edinburgh.

6. The appointment of a Chief Constable of the combined force shall be made by the Committee.

7. Subject to the provisions of Section 7 of the Act, all members of the Police Forces of the Constituent Authorities shall on the appointed day be transferred to the combined force.

8. Nothing in this Scheme shall affect or prejudice any right which any Constituent Authority may have to make use of the services of the police for the purposes of the Authority's functions under enactments other than those relating to police.

IV.—Constitution of Joint Police Committee

9. The combined force shall be administered and maintained by a Committee of fourteen members to be appointed from their own number by the respective Constituent Authorities as follows:—five by the County Council of Midlothian, three by the County Council of East Lothian, four by the County Council of West Lothian, and two by the County Council of Peebles.

V.—Substitute Members

10. Each Constituent Authority may appoint from their own number substitute members not exceeding the number set out above, and any substitute member may attend any meeting of the Committee in place of any appointed member and shall have the same voting power.

VI.—Period of Office

11. For the purpose of making the necessary arrangements for the Committee entering fully upon their duties on the appointed day, including the appointment of a Chief Constable, the first appointment of members shall be made by the respective Constituent Authorities at the time of approval by them of this Scheme and the members then appointed subject as hereinafter provided shall hold office from and after the date of approval of this Scheme by the Secretary of State until the first meeting of the Constituent Authority appointing them after the next succeeding triennial election of County Councillors, but except for the purpose of anything necessary to bring this Scheme into full operation on the appointed day, the Committee shall not enter on its duties until that date. Thereafter the members shall be appointed by the respective Constituent Authorities at the first meetings thereof after the election of County Councillors in the year 1952 and in every third year thereafter and, subject as hereinafter provided, shall hold office for the period from the date of their appointment until the first meeting of the Constituent Authority appointing them after the next succeeding triennial election of County Councillors.

12. A member of the Committee may resign his membership at any time by written intimation to that effect to the Clerk of the Constituent Authority by whom he is appointed and to the Clerk of the Committee. On any member of the Committee ceasing to be a member of the Constituent Authority which appointed him, he shall cease to be a member of the Committee on the expiry of two months thereafter, or on the appointment of his successor, whichever shall first occur.

13. If any person ceases to be a member of the Committee, the Constituent Authority appointing him shall, as soon as possible appoint a member in his place, unless in the opinion of the Constituent Authority the appointment should be deferred until the next appointment of members of the Committee.

14. The proceedings of the Committee shall not be invalidated by any vacancy or vacancies amongst their members or by any defect in the method of appointment of any of their members.

VII.—Chairman and Vice-Chairman

15. The Committee shall from their own number appoint a Chairman and shall also appoint a Vice-Chairman to act in the absence of the Chairman. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Committee. In the event of both the Chairman and the Vice-Chairman being absent from any meeting, the members present at that meeting shall appoint a Chairman for that meeting. In the event of equality of votes, the Chairman of any meeting shall have a casting vote in addition to a deliberative vote.

VIII.—Clerk and Treasurer

16. The County Clerk and Treasurer of Midlothian for the time being shall be the Clerk and Treasurer to the Committee and such additional administrative and clerical services as may be required by the Committee shall be furnished by members of the staff of the Midlothian County Council all in respect of such annual payment as may from time to time be agreed between the Committee and the said Council.

17. The County Architect of Midlothian for the time being shall act as technical adviser to the Committee as regards the provision of new or the adaptation or improvement of existing police buildings. The County Architects or other Technical Officers of the Constituent Authorities shall undertake responsibility under the direction of the Committee for the maintenance of the police buildings in their respective Counties. The Committee shall make annually such payments as may from time to time be agreed with the respective Authorities in respect of the services of the said Architects and their staffs.

IX.—Meetings

18. The Committee shall meet at regular intervals for the despatch of business at such times and at such place or places as they may from time to time fix and the Clerks of the Constituent Authorities may attend each or any meeting as assessors. The Committee shall have power to make Standing Orders regulating their proceedings and business.

19. On the first appointment of members of the Committee the names and addresses of the said members so first appointed shall be intimated to the County Clerk of Midlothian who shall convene the first meeting of the Committee. Intimations of the subsequent appointments to the Committee shall be given to the Clerk of the Committee by the Clerk(s) of the Constituent Authorities so soon as such appointments are made.

X.—Quorum

20. The quorum of the Committee shall, unless the Committee otherwise determine, be seven.

XI.—Sub-Committees

21. The Committee may appoint such sub-committees as they may from time to time consider necessary or desirable for the exercise of any of the functions of the Committee and they may delegate any of the said functions to such sub-committees provided that the Committee may alter, vary or revoke any of the arrangements made by them with regard to sub-committees.

XII.—Powers and Duties of the Committee

22. The whole functions of the Constituent Authorities relating to police are, as from the appointed day, hereby delegated to the Committee except functions relating to (*a*) the raising of money by rate, and (*b*) the amendment or revocation of this Scheme.

23. Subject to the necessary Order being made by the Secretary of State, under Section 1 (5) of the Act, the Committee (*a*) shall be a body corporate by the name of the Lothians and Peebles Joint Police Committee; (*b*) shall have perpetual succession and a common seal; (*c*) shall have power to hold land; (*d*) shall have power to borrow money; and (*e*) may sue or be sued under that name.

XIII.—Property Rights and Liabilities

24.—(1) Subject as hereinafter in this Article provided, all property rights and liabilities of the Constituent Authorities owned, held or incurred for police purposes are hereby transferred to the Committee with effect from the sixteenth day of May Nineteen hundred and fifty and all heritable property so transferred shall belong to and vest in the Committee under and by virtue of this Scheme, provided that in relation to heritable property owned by any of the Constituent Authorities at the appointed day and used partly for police purposes and partly for other purposes such property shall not be transferred to the Committee in terms of this Article, unless otherwise agreed, but shall remain vested in the Constituent Authority who shall be bound to make available suitable accommodation for police purposes and to lease such accommodation to the Committee on such terms as may be agreed or failing agreement as may be determined by the Secretary of State. On any premises so transferred becoming surplus to the requirements of the Committee the property shall revert, without payment of any charge or cost except liability for outstanding loans and annual burdens, to the Constituent Authority in whose area the subjects are situated, if that Authority should so desire.

(2) Notwithstanding the provisions of the immediately preceding sub-paragraph, on any transferred premises reverting to a Constituent Authority in terms thereof such Constituent Authority shall repay to the Committee any sum paid by the Committee to the Secretary of State, whether by way of deduction from the grant payable by the Secretary of State towards the cost of the combined force or otherwise, in respect of the proportion due to H.M. Exchequer of the value, as determined by the District Valuer or otherwise agreed between the Secretary of State and the Committee, of the premises at the date of such reversion.

25. All funds, moveable property, equipment and stores owned, held or acquired for police purposes by the Constituent Authorities shall belong to and vest in the Committee under and by virtue of this Scheme.

XIV.—Financial Arrangements

26. The expenditure of the Committee in each year upon and incidental to the administration and maintenance of the combined force and any other expenditure which the Committee require to defray as part of their expenditure under and for the purposes of the Police (Scotland) Acts, after deducting therefrom (*a*) all government grants towards the cost of the combined force; (*b*) all income from the investments and other assets of the combined Police Pension Funds of the Constituent Authorities and such portions of the capital of the said investments and assets as the Committee, with the consent of the Secretary of State, may from time to time determine; and (*c*) all other receipts which require to be applied towards meeting such expenditure of the Committee under and for the purposes of the said Police (Scotland) Acts, shall be apportioned among the Constituent Authorities according to the rateable valuation of their respective areas, determined in accordance with the provisions of Section 218 of the Local Government (Scotland) Act, 1947.

27. The Committee shall, in January of each year, prepare an estimate of their income and expenditure on capital and revenue accounts for the year from the sixteenth day of May following and shall submit the estimate to the Constituent Authorities not later than the fifteenth day of February in each year. The estimate may be revised when the accounts for the preceding year are available.

28. The Committee shall fix and shall intimate to the Constituent Authorities the dates in each year on or before which instalments of the respective proportions of the estimated net expenditure for the year are to be paid by them and the Constituent Authorities shall make payments of the amounts of such instalments on or before the dates so fixed.

29. The Committee shall as soon as practicable after their constitution make an interim requisition upon the Constituent Authorities to meet their estimated net expenditure for the period from the day on which this Scheme is approved by the Secretary of State to the following fifteenth day of May and the amount of such requisition shall be met by the Constituent Authorities on or before such date or dates as may be fixed by the Committee.

30. With a view to securing uniformity in the Accounts of the Constituent Authorities and in their claims for government grant, the Constituent Authorities shall (1) meet the proportion of all salaries and wages up to the appointed day irrespective of the usual dates of payment thereof; (2) pay all accounts for work done or goods supplied prior to the appointed day notwithstanding the date or dates of such accounts being rendered; (3) accept responsibility for the share of loan repayments and interest charges on outstanding loans approved for police purposes applicable to the period prior to the appointed day in respect of the property transferred to the Committee; and (4) remain entitled to receive government grant on approved expenditure up to the appointed day.

31. For the purposes of the Local Government Superannuation (Scotland) Act, 1937, the appropriate superannuation fund in relation to the contributory employees of the Committee shall be the superannuation fund of the Midlothian County Council.

XV.—Transfer of Officers

32. All civilian officers and servants employed by the Constituent Authorities to perform whole-time duties in relation to the administration and maintenance of the Police Forces of the Constituent Authorities shall on the appointed day be transferred to the Committee.

XVI.—Claims for Compensation

33. The Committee shall undertake responsibility for all claims for compensation in terms of Section 6 of the Act.

XVII.—Settlement of Differences

34. Should any difference arise between the Constituent Authorities as to the true intent and meaning or the due implement of any of the provisions of this Scheme, such difference shall be referred to the determination of the Sheriff of the Lothians and Peebles whose decision shall be final and binding upon the Constituent Authorities. For the purposes of this provision the expression "Sheriff" shall not include a Sheriff-Substitute.

The Police Act, 1919 (Scotland) Order, 1950

1950 No. 1436 (S. 105)

Made - - - - 23*rd August*, 1950

Coming into Operation 1*st September*, 1950

In exercise of the powers conferred on me by subsection (1) of section 13 of the Police Act, 1919(a), I hereby make the following Order:—

1. The Schedule to the Police Act, 1919, shall, in its application to Scotland, be modified as follows, that is to say:—

(1) in Rule 5, for the word "October" there shall be substituted the word "March", and for the words "seventh day of November" there shall be substituted the words "fifteenth day of April";

(2) in Rule 9, for the word "November" there shall be substituted the word "May".

2. In relation to the period between the date of the election of Branch Boards in October, 1949, and the date of the election of Branch Boards in April, 1951, Rule 22 of the said Schedule shall have effect with the substitution for the words "four quarterly meetings" of the words "six quarterly meetings".

3. This Order may be cited as the Police Act, 1919 (Scotland) Order, 1950 and shall come into operation on the first day of September, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
23rd August, 1950.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order alters the date of the annual Central Conference for each rank of police officer in the Scottish Police Federation from November to May, and makes consequential alterations in the constitution of the Federation.

(a) 9 & 10 Geo. 5. c. 46.