STATUTORY INSTRUMENTS

1973 No. 1238

POLICE

The North Wales Police (Amalgamation) Order 1973

Made - - - - 14*th July* 1973

Whereas, by virtue of the Gwynedd Police Amalgamation Scheme 1967 (set out in the Gwynedd Police (Amalgamation) Order 1967(**a**)), the areas of the existing counties of Anglesey, Caernarvon, Denbigh, Flint and Merioneth have become a combined police area, known as the Gwynedd police area:

And whereas the counties of Clwyd and Gwynedd established by the Local Government Act 1972(**b**) together comprise the whole of the said police area:

And whereas the police authority for the said police area and the councils of the counties of Clwyd and of Gwynedd, established as aforesaid, have, under sections 21, 22 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 revocation of the Gwynedd Police Amalgamation Scheme 1967 and for the amalgamation for police purposes of the areas comprised in the counties of Clwyd and of Gwynedd, 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 North Wales Police (Amalgamation) Order 1973.

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

Home Office,
Whitehall.
14th July 1973.

(a) S.I. 1967/1186.
(b) 1972 c. 70.
(c) 1964 c. 48.
(d) S.I. 1973/840 (1973 II, p. 2641).

APPENDIX

THE NORTH WALES POLICE AMALGAMATION SCHEME 1973

(CYNLLUN UNO HEDDLU GOGLEDD CYMRU 1973)

North Wales combined police area (Rhanbarth cyfunol heddlu Gogledd Cymru)

1.—(1) The Gwynedd Police Amalgamation Scheme 1967 (set out in the Gwynedd Police (Amalgamation) Order 1967), as amended(**a**), shall cease to have effect on the appointed day, and accordingly is hereby revoked.

(2) On the appointed day the police areas consisting of the counties of Clwyd and Gwynedd shall be amalgamated for police purposes and be constituted a combined police area which shall be known as the North Wales police area (rhanbarth heddlu Gogledd Cymru).

North Wales combined police authority (Awdurdod cyfunol heddlu Gogledd Cymru)

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 North Wales police authority (awdurdod heddlu Gogledd Cymru).

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

North Wales police (Heddlu Gogledd Cymru)

3. There shall be established, on the appointed day, a combined police force for the combined police area, which shall be known as the North Wales police (heddlu Gogledd Cymru).

North Wales police fund (Cronfa heddlu Gogledd Cymru)

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 North Wales police fund (cronfa heddlu Gogledd Cymru).

(2) The combined police fund shall be consituted 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.

(**a**) S.I. 1971/2146; 1972/693.

(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 Clwyd or of Gwynedd, 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

8.—(1) This Scheme may be cited as the North Wales Police Amalgamation Scheme 1973 (Cynllun Uno Heddlu Gogledd Cymru 1973).

(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

North Wales Police Authority

(Awdurdod Heddlu Gogledd Cymru)

1. The combined police authority shall consist of 30 members of whom—

(*a*) 20 shall be members of the constituent councils, and

(*b*) 10 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*) 12 shall be appointed by the council of the county of Clwyd;

(*b*) 8 shall be appointed by the council of the county of Gwynedd;

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*) 6 shall be appointed by the magistrates' courts committee for the county of Clwyd from among the magistrates for that county;

(*b*) 4 shall be appointed by the magistrates' courts committee for the county of Gwynedd from among the magistrates for that county.

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 clerk of the Gwynedd police authority 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 clerk of the Gwynedd police authority 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 10 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

North Wales Police Fund

(Cronfa Heddlu Gogledd Cymru)

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 or such other date as may from time to

time be agreed between the combined police authority and the constituent councils, 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 authorised establishment, mentioned in sub-paragraph (3) of this paragraph, for the constituent area in question, bears to the authorised establishment, so mentioned, for the combined police area;

(*b*) one half of the proportion which the population of the constituent area in question bears to the population of the combined police area as estimated by the Registrar of Births, Deaths and Marriages as at 30th June in the financial year in question.

(3) The authorised establishment referred to in sub-paragraph (2)(*a*) of this paragraph shall be the authorised establishment for the combined police area on 1st April in the financial year in question or, in the case of a constituent area, that part of the authorised establishment for the combined police area as is certified by the chief constable to relate to that area; and, for the purposes hereof, the authorised establishment for the combined police area shall be taken to be the aggregate of—

(*a*) the authorised establishment of the combined police force; and

(*b*) the authorised establishment of civilians employed for police purposes of the area (including traffic wardens but excluding police cadets), disregarding so much thereof as is certified by the chief constable to relate to the headquarters, or a divisional headquarters, of the combined police force.

SCHEDULE 3

Officers and Servants of the North Wales Police Authority

(Swyddogion a Gweision yr Awdurdod Heddlu Gogledd Cymru)

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 the 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, every 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 a 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 under the Police Act 1964, for the amalgamation for police purposes of the new counties of Clwyd and of Gwynedd.

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