CHAPTER xxxix.

An Act for continuing and maintaining a United Constabulary Force in and for the University and City of Oxford. [3rd June 1881.] A.D. 1881.

WHEREAS by the Oxford Police Act 1868 (herein-after called "the Act of 1868") after reciting that the powers of watch and ward within the University and City of Oxford had been theretofore customarily exercised during the night by the chancellor masters and scholars of the University of Oxford and during the day by the mayor aldermen and citizens of the City of Oxford and that this division of authority had been found very inconvenient and injurious to the efficiency of the police within the said university and city it was enacted that from and after the thirty-first day of December one thousand eight hundred and sixty-eight the powers and duties of the watch and ward committee theretofore appointed by the mayor aldermen and citizens (herein-after called "the watch and ward committee") should cease and the powers of watch and ward by day and night within the district as defined by that Act should be exercised as therein provided and that there should be one constabulary force for the whole of the district and that the management of this force should be vested in a Police Committee to be appointed as in the Act of 1868 provided and it was further enacted that the Act of 1868 should continue in force until the first day of January one thousand eight hundred and eighty-two and no longer unless Parliament in the meantime should otherwise provide: 31 & 32 Vict. c. lix.

And whereas it is expedient that the powers formerly exercised by the watch and ward committee and now exercised by the Police Committee appointed under the Act of 1868 should after the thirty-first day of December one thousand eight hundred and eighty-one be exercised by a Police Committee to be appointed as herein-after provided and that a united police force should be continued and maintained in manner herein-after appearing:

And whereas the object aforesaid cannot be carried into effect without the authority of Parliament:

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May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Oxford Police Act 1881.

Interpretation of terms.

2. In the construction of this Act (if not inconsistent with the context) the words and expressions "university" "chancellor masters and scholars" "vice-chancellor" "proctors" "pro-proctors" "registrar" and "marshal" shall be respectively understood to refer to the University of Oxford the words "city" "mayor" "town clerk" and "borough fund" shall be understood to refer to the City of Oxford the expression "the convocation" shall mean the chancellor masters and scholars of the University of Oxford in convocation the word "college" shall include Christ Church and the expression "the council" shall mean the mayor aldermen and citizens of the City of Oxford in council the expression "the Police Committee" shall mean the Police Committee to be appointed under the powers of this Act the word "district" shall mean and include the district for the time being of the Oxford Local Board and the expression "the local board" shall mean the Oxford Local Board.

Establishment of a united constabulary force and Police Committee.

3. From and after the thirty-first day of December one thousand eight hundred and eighty-one the powers of watch and ward now exercised by day and night within the district under the powers of the Act of 1868 shall be exercised as follows there shall be one constabulary force for the whole of the district and the determination of the number the appointment dismissal and entire management and direction of that force shall be vested in a Police Committee which shall consist of five members of the convocation (herein-after called "university members") to be annually appointed by the convocation and of ten members of the council (herein-after called "city members") to be annually appointed by the council.

Appointment of members of Police Committee.

4. The first appointment of members of the Police Committee by the convocation and the council respectively shall be made on or before the fifteenth day of November one thousand eight hundred and eighty-one and subsequent appointments shall be made on or before the fifteenth day of November in each year any university or city member going out of office shall be capable of forthwith being re-elected occasional vacancies in the Police Committee shall be filled up by the convocation or the council respectively as they may occur and the persons appointed to supply such vacancies shall continue

in office so long as the persons whose places they fill would have remained in office. A.D. 1881.

Appointments by convocation and council respectively to be notified.

5. The registrar shall from time to time with all convenient speed notify in writing to the mayor and to the clerk of the Police Committee all appointments of members of the Police Committee made by the convocation and the town clerk shall in like manner notify in writing to the vice-chancellor and to the clerk of the Police Committee all appointments of members of the Police Committee made by the council.

Power to Police Committee to appoint and pay officers and to make rules.

6. The Police Committee may appoint a clerk and a treasurer if necessary and may pay them reasonable salaries and may make such rules as the Police Committee may think fit with respect to the meetings of that Committee and the transaction of its business Provided that no business shall be transacted at any meeting unless at least five members shall be present thereat and all questions shall be decided by a majority of the votes of those present.

Appointment of chairman and vice-chairman of Police Committee.

7. The Police Committee shall yearly at their first meeting appoint a chairman and vice-chairman for the year if the chairman so appointed be absent from any meeting at the time appointed for holding the same then the vice-chairman shall act as chairman and if both be absent then the members present shall appoint one of their number to act as chairman thereat if the chairman appointed as first aforesaid or the vice-chairman die resign or become incapable of acting another member shall be appointed to be chairman or vice-chairman as the case may require for the period during which the person so dying resigning or becoming incapable would have been entitled to remain in office and no longer and the chairman at any meeting shall have a second or casting vote in case of an equality of votes.

Powers of watch and ward committee vested in Police Committee.

8. The powers and duties formerly vested in the watch and ward committee and since the thirty-first day of December one thousand eight hundred and sixty-eight in the police committee appointed under the Act of 1868 shall from and after the said thirty-first day of December one thousand eight hundred and eighty-one be vested in the Police Committee and any act for which if done by the watch and ward committee the consent or approbation of the council would before the passing of the Act of 1868 have been required may be done by the Police Committee without such consent or approbation and the Police Committee shall and may have exercise and fulfil within the district or any part thereof the same rights powers and duties in respect of watch and ward as were before the passing

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of the Act of 1868 possessed exercised and fulfilled by the chancellor masters and scholars except as herein-after excepted by sections nine and twenty-three of this Act.

Police station for the district.

9. All persons apprehended shall be taken to and all charges or complaints shall be made and entered at the common police station provided within the district under the powers of the Act of 1868 or some other common police station to be provided in lieu thereof for the purposes of this Act but the establishment of this police station shall in no way prejudice or affect the respective jurisdictions of the vice-chancellor and of the mayor or other justices of the peace for the city in respect of those charges or complaints but those jurisdictions shall remain and the courts or places of meeting of the vice-chancellor and mayor or other justices shall during the hearing of such charges or complaints be respectively free and open to the public without let or hindrance. If the university shall desire at their own expense to retain a separate station for the detention of persons apprehended by the proctors a list of all persons taken to that separate station and not forthwith released by the proctors and of the charges entered against those persons respectively shall be sent to the common police station aforesaid on the following morning and there shall be written upon the list the time and place at which the vice-chancellor will sit for hearing the charges therein mentioned the time not being earlier than one hour after the delivery of the list.

Provision for a police fund herein-after referred to as the "police fund."

10. For the maintenance of the constabulary force there shall be a fund herein-after referred to as the "police fund" annually contributed by the chancellor masters and scholars and mayor aldermen and citizens in the following proportions (that is to say) one third thereof by the chancellor masters and scholars and two thirds thereof by the mayor aldermen and citizens.

Application of police fund.

11. The police fund shall be at the disposal of the Police Committee and shall be applicable to the following purposes :—

(1) The maintenance of the constabulary force and the payment of all charges and expenses properly incurred by the Police Committee in relation thereto ;

(2) The payment of the pensions of former officers of the city gaol and all expenses of buildings required for police purposes ;

(3) The payment of the salaries of the recorder clerk of the peace clerk or clerks to the vice-chancellor (as justice of the peace) and the mayor or other justices and the officers from

time to time appointed by the Police Committee and the cost of prosecutions for offences and other expenses connected with the administration of justice within the district;

(4) The payment of all expenses properly incurred by the Police Committee in carrying this Act into execution not herein expressly provided for.

Police Committee to prepare estimate.

12. The police committee acting under the Act of 1868 shall between the fifteenth day of November and the twenty-fifth day of December one thousand eight hundred and eighty-one and the Police Committee shall between the fifteenth day of November and the twenty-fifth day of December in every subsequent year make an estimate of the amount required for the purposes to which the police fund is hereby made applicable for the ensuing year commencing on the first day of January after taking into account all fees payments allowances and other sums of money (other than sums paid by the chancellor masters and scholars and the mayor aldermen and citizens under this and the next following section) received by the Police Committee during the year immediately preceding and shall thereupon give notice in writing to the vice-chancellor and to the mayor respectively specifying in the notice the total amount of the estimate and the sum (being such proportionate part of the said total amount as aforesaid) which is to be paid by the chancellor masters and scholars and the mayor aldermen and citizens respectively in four quarterly payments and the chancellor masters and scholars and the mayor aldermen and citizens shall respectively pay or cause to be paid the sums so charged on them respectively to the Police Committee or their treasurer within twenty-one days after the several days mentioned in the notices respectively for each quarterly payment.

How insufficiency in estimate to be made up.

13. If at any time after the delivery of the notices of the estimate for the then current year the amount so estimated by the Police Committee prove insufficient to defray the expenses of the Police Committee actually and properly incurred by them during the preceding part of the year or if the Police Committee have reason to anticipate that that amount will prove insufficient to meet the expenses which the Police Committee may be properly called upon to incur during the subsequent part of the year the Police Committee may by like notice in writing to the vice-chancellor and the mayor specify the sums necessary to be paid by them respectively in order to make good the deficiency and the chancellor masters and scholars and the mayor aldermen and citizens respectively shall pay or cause to be paid the sums so charged on them respectively in so many payments as there are

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quarterly days in the unexpired portion of the year the first payment being made on the first day after the delivery of the notice specifying the same on which any quarterly payment of the amount originally estimated becomes payable Provided that any money which may be received by the Police Committee under this or the last preceding section in excess of the amount which the Police Committee shall at the end of the year in respect of which the same was received by them have actually and properly expended in that year shall be taken into account by the Police Committee in their estimate for the following year.

As to the payment of the university contribution to the police fund.

14. The proportionate part of the police fund to be contributed and paid by the chancellor masters and scholars shall be paid by the vice-chancellor out of the corporate or general funds of the university and if those funds upon an estimate thereof made in such manner as the university may from time to time provide shall appear to be insufficient for payment thereof the amount of the estimated deficiency shall not less than fourteen days before the making of the then next general district rate be notified by the vice-chancellor in writing under his hand to the clerk to the local board who shall cause the amount together with any actual or estimated expenses attending the raising thereof to be laid before the local board under the title of "university police expenses" at the same time as the estimate for the next general district rate and the same amount shall be assessed by an equal pound rate on all the rateable property belonging to the chancellor masters and scholars and the several colleges and halls of the university in exclusion of all other property in the district liable to the general district rate and the same amount having been so assessed shall be added to that portion of the general district rate which is leviable on the properties of the chancellor masters and scholars colleges and halls and the same amount together with the portion leviable as last aforesaid shall be inserted in one sum in the columns of the rate book of the local board under the head of the general district rate and the aggregate sum so inserted shall be levied and recoverable as the general district rate and by the means provided for raising that rate.

As to payment of the city contribution to the police fund.

15. The proportionate part of the police fund to be contributed and paid by the mayor aldermen and citizens shall be paid by them out of the borough fund and if upon an estimate of that fund and of all other charges payable thereout the council shall be of opinion that it will be insufficient (after satisfying those other charges) for payment thereof the amount of the estimated deficiency shall not less than fourteen days before the making of the then next general

district rate be notified by the mayor in writing under his hand to the clerk to the local board who shall cause the amount together with any actual or estimated expenses attending the raising thereof to be laid before the local board under the title "city police expenses" at the same time as the estimate for the next general district rate and the same amount shall be assessed by an equal pound rate on all property (other than rateable property belonging to the chancellor masters and scholars and the several colleges and halls of the university) in respect of which the general district rate may from time to time be leviable and the same amount having been so assessed shall be added to that portion of the general district rate which is leviable on the said property (other than property belonging to the chancellor masters and scholars colleges and halls) and the same amount together with the portion leviable as last aforesaid shall be inserted in one sum in the columns of the rate book of the local board under the head of the general district rate and the aggregate sum so inserted shall be levied and recoverable as the general district rate and by the means provided for raising that rate.

Police expenses to be paid to Police Committee.

16. All money to be raised as aforesaid by the local board for university police expenses and city police expenses respectively shall when and as collected be paid by the local board to the Police Committee or their clerk or treasurer and the receipt of the clerk or treasurer shall be a sufficient discharge to the local board and its officers and no person liable to the payment of any sum for police expenses under this Act shall during the continuance of that liability be liable to any payment for like purposes leviable under any other authority.

Certain moneys received by Police Committee to be carried to credit of police fund.

17. All fees allowances and other sums in reference to matters of police prosecutions maintenance of prisoners and the administration of justice generally which may be payable in any year (except such as are by any Act or Acts from time to time in force required to be paid into any superannuation fund for the benefit of the police force which may be established under the authority of such Acts) shall be paid to the Police Committee and carried by them to the credit of the police fund and shall be taken into account by them in preparing their estimate for the next ensuing year.

Extending 19 & 20 Vict. c. 69. s. 16 to police force established under this Act.

18. For the purposes of the sixteenth section of the Act of the nineteenth and twentieth years of Her present Majesty chapter sixty-nine intituled An Act to render more effectual the police in counties and boroughs in England and Wales the police force established under the provisions of this Act shall be deemed to be the police of a borough established under the provisions of the said Act of the nineteenth and twentieth years of Her present Majesty and the Acts therein recited and referred to.

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Police Committee to keep accounts and same to be audited.

19. The Police Committee shall keep true and accurate accounts of all their receipts and expenditure and such accounts shall be audited and examined once a year in the month of January by two auditors of whom one shall be nominated by the vice-chancellor and proctors and approved by the convocation and is herein-after called "the university auditor" and the other shall be nominated by the council and is herein-after called "the city auditor" and the Police Committee shall after every audit cause a full abstract of such accounts to be printed and copies thereof to be delivered to the vice-chancellor and to the mayor respectively.

Appointment of auditors.

20. The university auditor and the city auditor respectively shall be appointed between the fifteenth day of November in each year and the first day of January next ensuing (the latter day being reckoned inclusively) and shall hold office from the first day of January in every year until and including the first day of January in the ensuing year and occasional vacancies in the office of university auditor shall as soon as may be after they occur be filled up by the vice-chancellor and proctors with the approval of the convocation and occasional vacancies in the office of city auditor shall as soon as may be after they occur be filled up by the council and the persons appointed to supply such vacancies shall continue in office until and including the first day of January succeeding their appointment. The registrar shall from time to time notify in writing to the town clerk and to the clerk of the Police Committee all appointments of university auditors and the town clerk shall in like manner notify to the registrar and to the clerk of the Police Committee all appointments of city auditors and no auditor shall enter upon his office until that notification has been made provided always that the first appointment of university and city auditor shall be made between the fifteenth day of November one thousand eight hundred and eighty-one and the first day of January one thousand eight hundred and eighty-two.

Claims for compensation to be paid out of police fund.

21. In case any claim shall be made on the inhabitants of the city under any Act or law heretofore made or hereafter to be made relating either to riots or malicious injuries for compensation to any person or corporation by reason of damages sustained by any person or corporation in consequence of any riot or malicious injury the police fund shall be the fund from which that compensation shall be made.

Prohibition of public exhibitions.

22. No public exhibition or performance whether strictly theatrical or not other than performances in theatres which are regulated by the Act of the sixth and seventh years of Her present Majesty chapter sixty-eight shall take place within the district unless with the consent in writing of the vice-chancellor and the mayor or (during the academical vacations intervening between

Trinity and Michaelmas terms and between Michaelmas and Lent terms respectively) with the consent in writing of the mayor and every person who shall offend against this enactment shall be liable to a penalty of not exceeding twenty pounds for every offence recoverable in like manner as penalties imposed by the said Act. A.D. 1881.

Saving jurisdiction of the university and city.

23. Nothing in this Act contained shall affect the jurisdiction of the university or of the chancellor or vice-chancellor thereof as it now by law exists nor the jurisdiction of the city or of the mayor as it now by law exists nor the powers of the university now exercised by the proctors and the proctors pro-proctors and their servants including the marshal shall not be deemed to be included within the constabulary force to be appointed under the provisions of this Act. Provided that the chancellor or vice-chancellor shall not during the continuance of this Act appoint any persons as constables under the provisions of the Act of the sixth year of King George the Fourth chapter ninety-seven other than proctors servants (including the marshal) and special constables.

Continuance of Act.

24. This Act shall subject as herein-after provided continue in force in perpetuity.

Provision for decennial revision by agreement.

25. If at any time after the expiration of ten years from the passing of this Act or after the expiration of any period of ten years from a revision made under the provisions of this section the convocation and the council shall mutually agree to increase or decrease the total number of members of the Police Committee (so that the number shall not be less than twelve nor more than eighteen) or to vary the number of members of the committee to be annually appointed by the convocation and the council respectively or to revise and vary the proportions of the police fund to be annually contributed by the chancellor masters and scholars and the mayor aldermen and citizens respectively it shall be lawful for the convocation and the council respectively from time to time to enter into valid and binding agreements under their respective common seals for the above purposes or any of them which agreements shall take effect from the time named therein or if no time be named therein then as to the number of members of the Police Committee from the annual election which shall take place next after the date of the agreement and as to the proportionate contributions to the police fund from the first day of January in the year next following the date of the agreement and unless and until further revised under the powers of this section all agreements made under the powers of this section shall have the same effect as if the provisions thereof had been substituted for the provisions of this Act in regard to the matters therein provided for.

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Convocation or council may serve notice to terminate this Act.

26. At any time after the expiration of ten years from the passing of this Act or after the expiration of any period of ten years from a revision made under the provisions of this Act it shall be lawful either for the convocation or the council to serve a notice in writing under their common seal upon the mayor or the vice-chancellor as the case may be of their desire that the provisions of this Act shall terminate but no such notice shall be served except in the month of September nor unless at least six months previous notice shall have been served either by the convocation or council in writing under their common seal of their desire that any of the matters referred to in the last preceding section should be revised as therein provided and no valid or binding agreement shall have been entered into in respect thereof.

Effect of such notice.

27. In case a notice of the desire to terminate the provisions of this Act shall have been duly served by either the convocation or the council under the provisions herein-before contained this Act shall not continue in force after the thirty-first day of December in the year next following the year in which that notice shall have been given.

Expenses of Act.

28. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the police fund.

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