3. AMALGAMATION SCHEMES

The Scottish North Eastern Counties Police (Amalgamation) Order, 1948

1948 No. 1609 (S. 143)

Made - - - - 9*th July*, 1948
Coming into Operation 16*th May*, 1949

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 Aberdeen, the county of Banff, the county of Kincardine and the combined county of Moray and Nairn, is hereby approved.

2. The joint police committee constituted by the said amalgamation scheme shall be a body corporate by the name of the Scottish North Eastern Counties Police Board 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 Scottish North Eastern Counties Police (Amalgamation) Order, 1948, and shall come into operation on 16th May, 1949.

(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 ninth day of July, 1948.

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

St. Andrew's House,
Edinburgh 1.

SCHEDULE

The Scottish North Eastern Counties Police Amalgamation Scheme, 1948

1. *Definitions*

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.

"County" means a county, or, in the case of Moray and Nairn, the combined county, inclusive of any burgh situate therein which does not maintain a separate police force.

"Police Board" and "Board" mean the Joint Police Committee constituted in terms of this scheme.

"Constituent Authority" and "Constituent Force" mean respectively the Police Authority and the police force of a county within the combined area.

"Police Authority" means County Council, or, in the case of Moray and Nairn, the Joint County Council.

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

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

2. Commencement of Scheme

This scheme shall come into force on the sixteenth day of May, Nineteen hundred and forty-nine, subject to such of its provisions as are necessary to bring it into force on that date. As at the same date there shall stand revoked those portions of the administrative schemes of the constituent authorities in operation prior to that date which apply to functions of the constituent authorities relating to police.

3. Combined Police Force for the Combined Area

(1) There is hereby constituted a combined area consisting of the Counties of Aberdeen, Banff, Kincardine, and Moray and Nairn, which combined area shall be called the Scottish North Eastern Counties Police Area.

(2) There is hereby established a combined force for the combined area.

(3) The Board shall appoint the Chief Constable of the combined force.

(4) On the sixteenth day of May, Nineteen hundred and forty-nine, the members of the constituent forces shall, subject to the provisions of Section 7 of the Act, be transferred to the combined force.

4. Constitution of Police Board

(1) There shall be constituted a Joint Police Committee to be known as " The Scottish North Eastern Counties Police Board " for the administration of the functions delegated to the Board in terms of this scheme.

(2) The Board shall consist of twenty-five members, of whom ten shall be appointed by the Police Authority of the County of Aberdeen from their own number, and five shall be appointed by each of the other Police Authorities from their own number.

5. Substitute Members

Each constituent authority may appoint from their own number substitute members who, in the absence of members of the Board and with the like powers, may attend meetings of the Board or of any sub-committee thereof.

6. Period of Office

(1) For the purpose of bringing the scheme into force on the sixteenth day of May, Nineteen hundred and forty-nine, the members first appointed to the Board by the constituent authorities shall hold office from the date of approval of the scheme by the Secretary of State, or from the sixteenth day of May, Nineteen hundred and forty-eight, whichever is the later, to the first meetings of the constituent authorities after the next ensuing election of County Councillors.

(2) At these meetings, and in the same month annually thereafter, the members of the Board shall be appointed by the constituent authorities to hold office for one year.

(3) On any member of the Board ceasing to be a member of the Police Authority which appointed him, he shall cease to be a member of the Board on the expiry of two months thereafter, or on the appointment of his successor, whichever shall first occur.

(4) Any member of the Board may resign therefrom on giving notice to that effect to the Clerk to the Board, who shall thereupon intimate the resignation to the Clerk to the Police Authority by whom the member was appointed.

(5) If any person cease to be a member of the Board, the Police Authority appointing him shall, as soon as possible, appoint a member in his place, unless, in the opinion of the Police Authority the appointment should be deferred until the next annual appointment of members of the Board.

(6) The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members, or by any defect in the method of appointment of any of its members.

7. Chairman and Vice-Chairman

The Board shall appoint from its own number a Chairman and a Vice-Chairman, who shall each hold office, if he continues to be a member of the Board, from the date of appointment until the next annual appointment of members of the Board. The Chairman, or, in his absence, the Vice-Chairman, shall preside at all

meetings of the Board. In the event of both the Chairman and the Vice-Chairman being absent from any meeting, the members present shall appoint a Chairman for that meeting. In the event of equality of votes, the Chairman of the meeting shall have a casting vote as well as a deliberative vote.

8. *Clerk and Treasurer*

(1) The County Clerk of the County of Aberdeen for the time being shall be Clerk to the Board, and the County Treasurer of the County of Aberdeen for the time being shall be Treasurer to the Board.

(2) Such additional administrative and clerical services as may be required by the Clerk and Treasurer to the Board for the discharge of functions in terms of this scheme shall be furnished by the Police Authority of the County of Aberdeen.

(3) The Board shall pay to the Police Authority of the County of Aberdeen in respect of the services referred to in this article of the scheme such sum annually as may be agreed from time to time between the said Police Authority and the Board.

9. *Meetings*

(1) The Board shall hold such meetings as they shall consider necessary for the disposal of their business.

(2) The first meeting of the Board shall be convened by the County Clerk of the County of Aberdeen for such time and place as he may consider suitable.

10. *Attendance of Officials of Police Authorities*

The Clerk and the Chief Financial Officer of each constituent authority may attend any meetings of the Board, or of a Sub-Committee thereof, but shall not be entitled at any such meeting to exercise a vote.

11. *Quorum*

Seven members of the Board shall form a quorum.

12. *Powers and Duties of the Board*

(1) The whole functions of the constituent authorities relating to police are hereby delegated to the Board, excepting functions relative to (*a*) the raising of money by rate, and (*b*) the amendment or revocation of this scheme.

(2) Subject to the necessary Order under Section 1 (5) of the Act being made by the Secretary of State, the Board (*a*) shall be a body corporate by the name of the Scottish North Eastern Counties Police Board, (*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.

(3) The Board shall, as soon as may be practicable, transmit the minutes of their proceedings to the constituent authorities for their information.

13. *Sub-Committees*

The Board may appoint from their own number such sub-committees as they may from time to time consider necessary or desirable for the exercise of the functions of the Board, and may, subject to such limitations as the Board may impose, delegate or refer to such sub-committees any of the functions transferred to the Board under this Scheme. Any such sub-committee may, for such purposes as they deem expedient, co-opt members of the constituent authorities, not being members of the Board, to an extent not exceeding one-third of the members of the sub-committee.

14. *Transfer of Property, Rights, and Liabilities*

(1) Subject as hereafter in this clause provided, all property, rights and liabilities of the constituent authorities owned, held, or incurred for police purposes are hereby transferred to the Board, with effect from the sixteenth day of May, Nineteen hundred and forty-nine, and all heritable properties so transferred shall belong to and be vested in the Board under and by virtue of this scheme; provided that, in relation to heritable properties owned by any of the constituent

authorities as at the sixteenth day of May, Nineteen hundred and forty-nine, and (*a*) used both for police purposes and for non-police purposes, or (*b*) adjoining other property belonging to a constituent authority and designed by the constituent authority for development along with such other property, such properties and the balances of capital debt thereon shall not (unless otherwise agreed between the Board and the constituent authority concerned) be transferred to the Board in terms of this Article, but shall remain vested in the constituent authority, who shall be bound to grant a lease of such properties so far as used for police purposes at the said date, to the Board upon such terms and conditions as may be agreed between the Board and the constituent authority concerned.

(2) In relation to the heritable properties transferred to the Board in terms of this Article, the following provisions shall have effect as at the sixteenth day of May, Nineteen hundred and forty-nine:—

(*a*) an inventory and valuation of the properties shall be made by an arbiter chosen by the Board after consultation with the constituent authorities. The arbiter's findings shall be final and binding upon the parties;

(*b*) the balances of capital debt in respect of the individual properties shall become the liability of the Board;

(*c*) the constituent authorities shall be credited by the Board with the respective net amounts produced by deducting the balances of capital debt from the capital value, as fixed by the said arbiter, of the heritable properties to which the balances respectively apply; and

(*d*) the total net amount so produced shall be debited by the Board against the respective constituent authorities in accordance with the method of apportionment of annual expenditure prescribed in this scheme.

(3) In relation to motor vehicles transferred to the Board in terms of this Article, an inventory and valuation thereof shall be made as at the sixteenth day of May, Nineteen hundred and forty-nine, by an arbiter chosen by the Board after consultation with the constituent authorities. The arbiter's findings shall be final and binding upon the parties. The constituent authorities shall be credited by the Board with the amount of the valuation of the vehicles formerly held by them respectively, and shall be debited, in accordance with the method of apportionment of annual expenditure prescribed in this scheme, with their respective shares of the total amount of the valuation of all the vehicles.

(4) The Board and the constituent authorities shall be bound to settle any balances due by them not later than the fifteenth day of May, Nineteen hundred and fifty.

(5) Save as herinbefore provided in relation to heritable properties and motor vehicles, no financial adjustment in respect of the property, rights, and liabilities by this scheme transferred shall be required between the Board and the constituent authorities, or between the constituent authorities *inter se*.

15. *Financial Arrangements*

(1) The expenditure of the Board in each year upon and incidental to the administration and maintenance of the combined force, 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 Board with the consent of the Secretary of State may from time to time determine; and (*c*) all other income which requires to be applied towards meeting the expenditure of the Board shall be apportioned among the constituent authorities—

(*a*) to the extent of one-half thereof according to the rateable valuations of their respective areas, reckoned in accordance with the provisions of Section 218 of the Local Government (Scotland) Act, 1947, and

(*b*) to the extent of the remaining one-half thereof according to the population for their respective areas as determined (i) by the Registrar-General's latest estimate of population until the next official census, and thereafter (ii) by the last preceding official census.

(2) Notwithstanding the provisions of the Article hereof intituled " Amendment or Revocation," the basis of allocation of the expenditure stated in the immediately preceding paragraph shall be subject to review at the instance of any one of the constituent authorities at any time after the Board's requisition has been made for the financial year 1953-54. Failing agreement between the constituent authorities on any such review of the said basis of allocation, the matter shall be referred to the Secretary of State for his determination.

(3) In order to meet the expenditure referred to in the first paragraph of this Article, the constituent authorities shall, during each period of twelve months from the sixteenth day of May to the fifteenth day of May next following, pay to the Board such sum or sums as may be required upon requisition authenticated on behalf of the Board by the signatures of the Clerk and the Treasurer. Such requisition shall be furnished to the constituent authorities on or before the fifteenth day of June in each year, and the constituent authorities shall make payment to the Board of the sum or sums requisitioned by four instalments, which shall respectively be payable on or before the sixteenth day of May, the fifteenth day of August, the fifteenth day of November, and the fifteenth day of February. The payment on or before the sixteenth day of May shall be based upon an estimate by the Treasurer of the expenditure to be borne by the Board, and the payment due on the fifteenth day of August following shall be adjusted to accord with the estimates for the year then current approved by the Board.

(4) An account of the Board's income and expenditure in each year ending on and including the fifteenth day of May shall be made up, and shall, along with the vouchers and such financial statements and information as may be required, be submitted for audit to an auditor appointed by the Secretary of State for Scotland, and the provisions of Part X. of the Local Government (Scotland) Act, 1947, shall, subject to the necessary modifications, apply to such audit in like manner as they apply to the accounts of a Local Authority.

(5) The Board shall provide each of the constituent authorities annually with copies of the audited accounts of the Board.

(6) For the purposes of the Local Government Superannuation (Scotland) Act, 1937, the appropriate Superannuation Fund in relation to the contributory employees of the Board shall be the Superannuation Fund of the Council of the County of Aberdeen. On the sixteenth day of May, Nineteen hundred and forty-nine, the constituent authorities shall pay into the said superannuation fund the transfer values at that date of the contributory employees transferred from them respectively under the Article hereof intituled " Transfer of Officers."

16. *Transfer of Officers*

(1) On the sixteenth day of May, Nineteen hundred and forty-nine, there shall be transferred to the Board all officers of the constituent authorities wholly engaged on police administration, except as may be otherwise agreed between the Board and the respective constituent authorities.

(2) The Board shall undertake responsibility for all claims for compensation in terms of Section 6 of the Act.

17. *Provision of Services*

The constituent authorities shall, on such terms and conditions as may be agreed, furnish and execute such technical, manual, and other services connected with the administration of the combined force as may be agreed between the Board and the respective constituent authorities.

18. *Amendment or Revocation*

A constituent authority desiring amendment or revocation of this scheme shall give to the other constituent authorities and to the Board three months' notice of the amendment or revocation proposed.

19. *Settlement of Differences*

Any difference between the Board and the respective constituent authorities or between the constituent authorities *inter se* shall be referred to the Secretary of State for Scotland, whose decision shall be final and binding.