STATUTORY INSTRUMENTS

1975 No. 633 (S. 84)

POLICE

SCOTLAND

The South-Eastern Police (Amalgamation) Order 1975

Laid before Parliament in draft

Made - - - - - *8th April* 1975

Coming into Operation:—

for the purposes of paragraph 3(1) *of the Order and article* 2(1) *of the Schedule on* — — — — — — *8th April* 1975

for all other purposes — — — — *16th May* 1975

Whereas the Lothian region established by the Local Government (Scotland) Act 1973**(a)** comprises, in whole or part, the following existing police areas, namely, that of the combined area of the counties of Midlothian, East Lothian, West Lothian and Peebles and that of the Edinburgh police area;

And whereas the Borders region established by the said Act of 1973 comprises, in whole or part, the following existing police areas, namely, that of the combined area of the counties of Berwick, Roxburgh and Selkirk and that of the combined area of the counties of Midlothian, East Lothian, West Lothian and Peebles;

Now, therefore, in exercise of the power conferred on me by section 21A(2) of the Police (Scotland) Act 1967**(b)** as inserted by section 146(7) of the Local Government (Scotland) Act 1973 I hereby make the following order, a draft of which has been laid before Parliament:—

1. This order may be cited as the South-Eastern Police (Amalgamation) Order 1975.

2. The South-Eastern Police (Amalgamation) Scheme 1975, which is set out in the schedule to this order, is hereby made.

3.—(1) So far as the scheme relates to the constitution of the joint police committee and to the performance by that committee of the functions necessary for bringing the scheme into full operation on 16th May 1975, it shall come into force as soon as it shall have been made by the Secretary of State.

(2) Subject to the preceding sub-paragraph, the scheme shall come into force on 16th May 1975.

(a) 1973 c. 65. **(b)** 1967 c. 77.

4. The joint police committee constituted by the said amalgamation scheme shall be a body corporate by the name of the Lothian and Borders Police Board with perpetual succession and a common seal, and shall have power to hold land and to borrow money.

W. Ross,
One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.
8th April 1975.

SCHEDULE

THE SOUTH-EASTERN POLICE (AMALGAMATION) SCHEME 1975

I. INTERPRETATION

1.—(1) In this scheme, which is made under section 21A of the Police (Scotland) Act 1967 as inserted by the Local Government (Scotland) Act 1973 section 146(7) and which may be cited as the South-Eastern Police (Amalgamation) Scheme 1975, the following expressions, except where the context otherwise requires, shall have the meaning hereby respectively assigned to them, that is to say—

"Act" means the Police (Scotland) Act 1967 as amended by any subsequent enactment;

"police board" and "board" means the joint police committee constituted in terms of this scheme;

"combined area" means the combined police area constituted by this scheme;

"combined force" means the combined police force established by this scheme;

"constituent authority" means either of the regional councils of the regions of Lothian and Borders;

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this scheme as it applies for the interpretation of an Act of Parliament.

II. COMMENCEMENT OF THE SCHEME

2.—(1) So far as this scheme relates to the constitution of the joint police committee and to the performance by that committee of functions necessary for bringing the scheme into full operation on 16th May 1975, it shall come into force as soon as it shall have been made by the Secretary of State.

(2) Subject to the preceding sub-paragraph, this scheme shall come into force on 16th May 1975 (hereinafter referred to as "the appointed day").

III. COMBINED POLICE FORCE FOR THE COMBINED AREA

3. The police areas respectively of the regions of Lothian and Borders shall on the appointed day be amalgamated for police purposes and the combined area so constituted shall be called the Lothian and Borders Police Area.

(a) 1889 c. 63.

4. On the appointed day the police forces maintained for the police areas of the regions of Lothian and Borders shall be disestablished and by virtue of this scheme there shall be established on the appointed day a combined force for the combined area which shall be called the Lothian and Borders Police Force.

5. As from the appointed day and subject to the provisions of section 23 of the Act as substituted by section 146(8) of the Local Government (Scotland) Act 1973 all constables of the police forces of the constituent authorities shall be transferred to and become constables of the combined force.

6. As from the appointed day every police cadet who, immediately before that day, was undergoing training with a view to becoming a constable of a police force maintained for the area of a constituent authority shall be treated (*a*) as undergoing training with a view to becoming a constable of the combined force, (*b*) as under the control of and subject to dismissal by the chief constable of the combined force, and (*c*) for the purposes of section 8(3) of the Act, as employed by the board.

7. As from the appointed day all officers, not being constables, who are employed by the constituent authorities for the assistance of the constables of a police force and whose employment is authorised by the Secretary of State in accordance with the provisions of section 9 of the Act shall be treated as employed by the board.

8. The appointment of the first chief constable of the combined force, which shall be otherwise subject to the provisions of section 4 of the Act, shall be made by the board.

9. Nothing in this scheme shall affect or prejudice any right which either 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

10. There shall be constituted a joint police committee of 18 members to be known as "The Lothian and Borders Police Board" for the administration and maintenance of the combined force. The members of the board shall be appointed by the respective constituent authorities from their own number as follows:—

14 by the regional council of the Lothian region; and

4 by the regional council of the Borders region.

11. Each constituent authority may appoint from its own number substitute members who, in the absence of any one or more of its members of the board and in number not exceeding the number of such absent members and with the like powers, may attend meetings of the board or of any sub-committee thereof.

V. Appointment of Members and Period of Office

12. For the purpose of making the necessary arrangements for the board entering fully upon its duties on the appointed day, including, subject to the foregoing provisions of this scheme, the appointment of a chief constable, the first appointment of members shall be made by the respective constituent authorities as soon as is practicable after this scheme shall have been made by the Secretary of State and the members then appointed, subject as hereinafter provided, shall hold office from and after the date of appointment by the constituent authority until the first meeting of the constituent authority appointing them after the next succeeding four yearly election of regional councillors, but except for the purpose of anything necessary to bring this scheme into full operation on the appointed day, the board shall not enter on its duties until that day. Thereafter the members shall be appointed by the respective constituent authorities at the first meetings thereof after the election of regional councillors in the year 1978 and in every fourth 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 four yearly election of regional councillors.

13. On any member of the board ceasing to be a member of the constituent authority which appointed him he shall cease to be a member of the board on the expiry of 2 months thereafter or on the appointment of his successor whichever shall first occur.

14. A member of the board may resign his membership at any time by written intimation to that effect to the Chief Executive of the constituent authority by which he was appointed, and to the Chief Executive of the board.

15. If any person ceases to be a member of the board the constituent authority which appointed 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 board.

16. The proceedings of the board shall not be invalidated by any vacancy or vacancies amongst its members or by any defects in the method of appointment of any of its members.

VI. Chairman

17. The board shall appoint from its own number a chairman. The chairman shall hold office, if he continues to be a member of the board, from the date of his appointment until the next four yearly appointment of members of the board. The chairman shall preside at all meetings of the board. In the event of the chairman being absent from any meeting the members present shall appoint a chairman for that meeting.

18. In the event of an equality of votes the chairman of the meeting shall have a casting vote as well as a deliberative vote.

VII. Officers of the Board

19. The board shall appoint a Chief Executive.

20. The Chief Executive may, subject to the approval of the board, appoint a person or persons to be Clerk and/or Treasurer to the board and such other staff as may be required for the discharge of the functions of the board under this scheme.

21. When either of the constituent authorities provides the services of staff in terms of Article 20, the board shall annually make such payments as may from time to time be agreed with the respective constituent authorities for such services.

VIII. Meetings

22. The first meeting of the board shall be held twenty one days immediately following the date of the making of this scheme by the Secretary of State. The first meeting shall be convened by the Chief Executive of the Lothian Regional Council and shall be held at such time and place as he shall appoint.

23. The board shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix. Copies of the minutes of meetings of the board shall be sent to the constituent authorities for their information.

24. The board shall have power to make or adopt standing orders regulating its proceedings and business.

IX. Quorum

25. Six members of the board shall form a quorum.

X. Sub-Committee

26. The board may appoint such sub-committees from its own number as it may from time to time consider necessary or desirable and may refer to such sub-committees such matters as the board may from time to time specify by minute or in its standing orders.

XI. Powers and Duties of the Board

27. The whole functions of the constituent authorities relating to police are, as from the appointed day, hereby delegated to the board except functions relating to (*a*) the raising of money by rate, and (*b*) the amendment or revocation of this scheme.

28. Subject to the necessary order being made by the Secretary of State under section 19(5) (as applied by section 20(1) of the Act and by section 21A(4) of the Act as inserted by section 146(7) of the Local Government (Scotland) Act 1973) the board (*a*) shall be a body corporate by the name of the Lothian and Borders Police Board, (*b*) shall have perpetual succession and a common seal, (*c*) shall have power to hold land, and (*d*) shall have power to borrow money.

XII. Financial Arrangements

29. The board shall, before the commencement of each financial year, prepare an estimate of its income and expenditure on capital and revenue accounts for each financial year and shall submit the estimate to the constituent authorities for their information by 15th February in the preceding financial year. In each year the board shall at the same time make a requisition upon each of the constituent authorities for the sums payable by it as aforesaid and the constituent authorities shall during each financial year pay to the board on or before the 16th day of each month an equal monthly instalment of the total sum so requisitioned for that period.

30. The expenditure of the board in each year upon and incidental to the administration and maintenance of the combined force and any other expenditure which the board requires to defray as part of its expenditure under and for the purposes of the Act, 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 former police pension funds of the constituent authorities and such portions of the capital of the said investments and assets as the board may from time to time determine, and (*c*) all other receipts which require to be applied towards meeting such expenditure of the board under and for the purposes of the Act, shall be apportioned between the constituent authorities in proportion to their products of a rate of one penny in the pound or their standard penny rate products, whichever is the higher, estimated for the area of each of the constituent authorities in accordance with the provisions of section 12 of the Local Government (Scotland) Act 1966(**a**) as amended by section 10(3) and Schedule 2, paragraph 27, of the Decimal Currency Act 1969(**b**).

31. For the purposes of the Local Government Superannuation (Scotland) Regulations 1974(**c**) the appropriate superannuation fund in relation to the pensionable employees of the board shall be the superannuation fund of the Regional Council of the Lothian region.

XIII. Accounts and Audit

32. An account of the board's income and expenditure in each financial year, that is to say the year ending 31st March, shall be prepared and shall, along with the vouchers and such financial statements and information as may be required, be submitted annually for audit to an auditor appointed in terms of section 96(4) of the Local Government (Scotland) Act 1973 and the provisions of Part VII of that Act, subject to the necessary modifications, shall apply to such audit in like manner as they apply to the accounts of a local authority.

33. The board shall provide each of the constituent authorities annually with copies of the audited accounts of the board.

(**a**) 1966 c. 51. (**b**) 1969 c. 19.
(**c**) S.I. 1974/812 (1974 II, p. 3093).

XIV. Property, Rights and Liabilities

34. 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 board with effect from the appointed day, and all heritable property so transferred shall belong to and vest in the board under and by virtue of this scheme, without the necessity of any conveyance or other process of law to that effect, provided that in relation to heritable property owned by either 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 board in terms of this article, unless otherwise agreed, but shall remain vested in the constituent authority with right to the board to occupy the part of the premises used for police purposes on a basis similar to that which pertained before the appointed day. On any premises so transferred becoming surplus to the requirements of the board the property shall revert to the constituent authority from which the subjects were transferred under this scheme, if that authority should so desire, at a price to be determined by the District Valuer of the Inland Revenue.

35. 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 board under and by virtue of this scheme.

XV. Settlement of Differences

36. Should any differences 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 differences shall be referred to the determination of the Secretary of State whose decision shall be final and binding upon the constituent authorities.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The scheme which is set out in the schedule to this Order provides for the combination of the police areas of the regions of Lothian and Borders for police purposes from 16th May 1975, and for the establishment of a police force for the combined area and its administration by a joint police committee of the two authorities.

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