STATUTORY INSTRUMENTS

1973 No. 1739

POLICE

The Sussex Police (Amalgamation) Order 1973

Made - - - - 19*th October* 1973

Whereas by virtue of the Sussex Police Amalgamation Scheme 1967 (set out in the Sussex Police (Amalgamation) Order 1967(a)), the areas of the existing counties of East Sussex and West Sussex and the county boroughs of Brighton, Eastbourne and Hastings have become a combined police area known as the Sussex police area:

And whereas the county of East Sussex established by the Local Government Act 1972(b) comprises part of the said combined police area:

And whereas the county of West Sussex established as aforesaid comprises part of the said combined police area and part of the existing county of Surrey:

And whereas the police authorities for the said combined police area and for the existing county of Surrey and the councils of the counties of East Sussex and West Sussex, established as aforesaid, have, under sections 21 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 amalgamation for police purposes of the areas comprised in the counties of East Sussex and West Sussex, 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 Sussex Police (Amalgamation) Order 1973.

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

Home Office,
Whitehall.

19th October 1973.

(a) S.I. 1967/68.
(b) 1972 c. 70.
(c) 1964 c. 48.
(d) S.I. 1973/840 (1973 II, p. 2641).

APPENDIX

THE SUSSEX POLICE AMALGAMATION SCHEME 1973

Sussex combined police area

1. On the appointed day the police areas consisting of the counties of East Sussex and West Sussex shall be amalgamated for police purposes and be constituted a combined police area which shall be known as the Sussex police area.

Sussex combined police authority

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 Sussex police authority.

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

Sussex police force

3. There shall be established, on the appointed day, a combined police force for the combined police area, which shall be known as the Sussex police.

Sussex police fund

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 Sussex police fund.

(2) The combined police fund shall be constituted 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.

(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 and 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 East Sussex or of West Sussex 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 Sussex Police Amalgamation Scheme 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.

SCHEDULE 1

Sussex Police Authority

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.

(a) 1967 c. 76. (b) 1889 c. 63.

2.—(1) Of the members of the combined police authority qualified as mentioned in sub-paragraph (*a*) of the preceding paragraph—

(*a*) 10 shall be appointed by the council of the county of East Sussex; and

(*b*) 10 shall be appointed by the council of the county of West Sussex;

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*) 5 shall be appointed by the magistrates' courts committee for the county of East Sussex; and

(*b*) 5 shall be appointed by the magistrates' courts committee for the county of West Sussex;

in each case from among the magistrates for the county concerned.

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 Sussex police authority established by the Sussex Police Amalgamation Scheme 1967 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 Sussex police authority established by the said Sussex Police Amalgamation Scheme 1967 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 8 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

Sussex Police Fund

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 one 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 (and the reasons therefor) 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 a credit to, the constituent council which has made the payments.

2.—(1) In each financial year the combined police authority shall submit to each constituent council—

(*a*) not later than 31st December, 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, and

(*b*) not later than 1st February, an estimate of the contributions payable under this paragraph by the council in question in the following financial year.

(2) In each financial year each constituent council shall submit to the combined police authority, not later than 22nd January—

(*a*) provisional notice of the amount of the adjusted rate product, mentioned in the next following sub-paragraph, for the constituent area in question for that and the following financial year, and

(*b*) final notice of the amount of the said adjusted rate product for the preceding financial year.

(3) For the purposes of a provisional or final notice under the preceding sub-paragraph, the adjusted rate product for a constituent area there referred to shall be such that it bears the same proportion to the product of a rate of a penny in the pound for that area for the financial year in question as the expenditure for that year of the constituent council in question, as ascertained for the purpose of determining the resources element of rate support grant, bears to that expenditure reduced by the resources element of the rate support grant determined by reference thereto; and—

(*a*) for the purposes of a provisional notice, the product of a rate of a penny in the pound, expenditure for a year as so ascertained and the resources element of rate support grant shall, in each case, be as last estimated by the constituent council before 22nd January in the financial year in which the notice falls to be given;

(*b*) for the purposes of a final notice—

(i) the product of a rate of a penny in the pound shall be ascertained in like manner as such a rate product is ascertained for the purposes of the Rate Product Rules 1968(**a**), and

(ii) expenditure for a year as so ascertained and the resources element of rate support grant determined by reference thereto shall, in both cases, be as last estimated and notified to the constituent council by the Secretary of State before 22nd January in the financial year in which the notice falls to be given.

3.—(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 provision 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.

4.—(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 in respect of any financial year shall be the amount of its expenditure 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 proportion which the adjusted rate product for that year finally notified by that council to the combined police authority under paragraph 2(2)(*b*) of this Schedule bears to the aggregate of the adjusted rate products for that year as so notified by that and the other constituent council.

(**a**) S.I. 1968/491 (1968 I, p. 1202).

SCHEDULE 3

Officers and Servants of the Sussex Police Authority

1.—(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, subject to the next following sub-paragraph, neither of them shall be dismissed from his office without the consent of the Secretary of State.

(2) Nothing in the preceding sub-paragraph shall preclude the termination of an appointment which is expressed to be temporary only.

2. The offices of 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 authority as if references in those provisions to a local authority were references to the 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 areas of the new counties of East Sussex and of West Sussex.