STATUTORY INSTRUMENTS

1974 No. 339

POLICE

The Thames Valley Police Amalgamation Scheme (Modification) Order 1974

Made - - - -	*23rd February* 1974
Laid before Parliament	*6th March* 1974
Coming into Operation—	
for purposes mentioned in article 2(1)	*7th March* 1974
for all other purposes	*1st April* 1974

In exercise of the powers conferred on me by sections 254 and 266 of the Local Government Act 1972(a), I hereby make the following Order:—

1. This Order may be cited as the Thames Valley Police Amalgamation Scheme (Modification) Order 1974.

2.—(1) This Order shall come into operation on 1st April 1974 except that, in so far as it affects the composition of the Thames Valley police authority on and after that date, it shall come into operation on 7th March 1974 so far as is necessary for the purpose of enabling that authority to be reconstituted with effect from 1st April 1974.

(2) Save for the purpose aforesaid, nothing in this Order shall affect the operation of the Thames Valley Police Amalgamation Scheme in relation to any period before 1st April 1974.

3.—(1) In this Order the expressions "the Thames Valley Police Amalgamation Scheme" and "the Scheme" mean the Thames Valley Police Amalgamation Scheme 1968, set out in the Appendix to the Thames Valley Police (Amalgamation) Order 1968(b), as amended (c),

(2) In this Order the expression "the Property Order" means the Local Authorities (England) (Property, etc.) Order 1973(d), as from time to time amended.

(3) In this Order a reference to a county is a reference to a county established by the Local Government Act 1972 unless it is expressed as a reference to an administrative county.

(a) 1972 c. 70.
(b) S.I. 1968/496.
(c) S.I. 1971/2076.
(d) S.I. 1973/1861 (1973 III, p. 6401).

(4) The Interpretation Act 1889**(a)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Paliament.

4. Article 3(2) of the Police (Appointment of Police Authorities and Chief Constables) Order 1973**(b)** shall not have effect so as to preclude the making of appointments to the Thames Valley Police authority under the Scheme as modified by this Order.

5. The Thames Valley Police Amalgamation Scheme, by virtue of which the area comprised in the administrative counties of Berkshire, of Buckingham and of Oxford and the county boroughs of the City of Oxford and of Reading (now comprised in the counties of Berkshire, of Buckinghamshire and of Oxfordshire established by the Local Government Act 1972) constitutes a combined police area, shall not cease to have effect on 1st April 1974 (when those administrative counties and county boroughs cease to exist) but shall have effect subject to the modifications hereinafter provided.

6. The combined police area constituted by paragraph 1 of the Scheme shall, on and after 1st April 1974, comprise the counties of Berkshire, of Buckinghamshire and of Oxfordshire and the said paragraph 1, and the definition of "combined police area" in paragraph 14(1), shall have effect subject to the provisions of this Article.

7. Nothing in Article 10 below (modification of definition of "constituent council") shall affect paragraphs 9(4), (5) and (6) of the Scheme or Schedule 4 thereto (rights and liabilities of constituent councils in respect of certain property and financial matters) but the provisions thereof shall have effect subject to the provisions of the Property Order.

8. Paragraphs 12(1) and (2) of the Scheme (street and house to house collections) shall cease to have effect.

9. Paragraph 13 of the Scheme (compensation) shall have effect subject to the provisions of the Property Order.

10. In paragraph 14(1) of the Scheme (interpretation) for the definitions of the expressions "a constituent area" and "the constituent council" there shall be substituted the following definitions:—

" 'a constituent area' means the area of the county of Berkshire, of Buckinghamshire, or of Oxfordshire, and

'the constituent council' means, in relation to such an area, the council of the county concerned;".

11. For Schedules 1 and 2 to the Scheme (police authority and police fund) there shall be substituted the Schedules set out in the Appendix to this Order.

(a) 1889 c. 63.

(b) S.I. 1973/734 (1973 I, p. 2361).

12. For paragraphs 6 and 7 of Schedule 5 to the Scheme (officers and servants) there shall be substituted the following paragraph:—

"6. 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.".

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

Home Office,
Whitehall.

23rd February 1974.

APPENDIX

SCHEDULES SUBSTITUTED FOR SCHEDULES 1 AND 2 TO THE SCHEME

SCHEDULE 1

THAMES VALLEY POLICE AUTHORITY

1. The combined authority shall consist of 39 members of whom—

(*a*) 26 shall be members of the constituent councils, and

(*b*) 13 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*) 10 shall be appointed by the council of the county of Berkshire;

(*b*) 8 shall be appointed by the council of the county of Buckinghamshire, and

(*c*) 8 shall be appointed by the council of the county of Oxfordshire,

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 Berkshire;

(*b*) 4 shall be appointed by the magistrates' courts committee for the county of Buckinghamshire, and

(*c*) 4 shall be appointed by the magistrates' courts committee for the county of Oxfordshire,

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

3.—(1) Appointments to the combined police authority to take effect on 1st April 1974 shall be made as soon as is practicable after 6th March 1974 and the members so appointed shall, subject to the provisions of this Scheme, serve on the authority until 31st May 1977:

Provided that where before 7th March 1974 a body mentioned in the preceding paragraph has nominated the number of persons there mentioned for membership of the combined police authority, those persons shall be deemed to have been duly appointed as members of the combined police authority by that body as from 1st April 1974 and shall serve thereon as aforesaid.

(2) The members of the combined police authority, other than those appointed as aforesaid, shall be appointed on or before 31st May in the year in which the appointments are to take effect.

(3) Save as aforesaid, appointments to the combined police authority 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. A member of the combined police authority who is a member of a constituent council shall not cease to be a member of the authority on retiring from the office of councillor if, by reason of his re-election on or before the date of his retirement, he does not cease to be a member of the constituent council.

7.—(1) The combined police authority from amongst its members shall elect annually a chairman and may elect a vice-chairman and a deputy chairman so, however, that the three 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 the combined police authority from amongst its members shall forthwith fill the vacancy by election.

(3) Where a vice-chairman or deputy chairman has been elected under this paragraph, on a casual vacancy occurring in the office in question the combined police authority from amongst its members may fill the vacancy by election.

8. The meetings of the combined police authority 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.

9. At a meeting of the combined police authority 13 or such greater number as the authority may determine shall be a quorum.

10. 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

THAMES VALLEY 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 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 12(3) 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 twelve months ending on 31st March and, for the purposes 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 proportion which the rate product mentioned in the next following sub-paragraph, for the constituent area in question, bears to the aggregate of the rate products, so mentioned, for all the constituent areas.

(3) For the purposes of the foregoing sub-paragraph, the rate product for a constituent area means the product of a rate of a penny in the pound for that area for the financial year in question, ascertained in like manner as for the purposes of section 12 of the General Rate Act 1967(a).

EXPLANATORY NOTE

(This Note is not part of the Order.)

By virtue of the Thames Valley Police Amalgamation Scheme 1968, the existing counties of Berkshire, of Buckingham and of Oxford and the county boroughs of the City of Oxford and of Reading constitute a combined police area. The present Order modifies the Scheme of 1968 so as to permit it to continue to have effect on and after 1st April 1974 when those existing counties and county boroughs are replaced by the new counties of Berkshire, of Buckinghamshire and Oxfordshire.

(a) 1967 c. 9.

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