STATUTORY INSTRUMENTS

1975 No. 60 (S. 4)

POLICE

The Transfer of Constables, etc. (Scotland) Order 1975

Made - - - - -	15*th January* 1975
Laid before Parliament - -	28*th January* 1975
Coming into Operation - -	16*th May* 1975

In exercise of the powers conferred on me by sections 215 and 216 of the Local Government (Scotland) Act 1973(a), I hereby make the following Order:—

1. This Order may be cited as the Transfer of Constables, etc. (Scotland) Order 1975 and shall come into operation on 16th May 1975.

2.—(1) In this Order, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:—

" existing " in relation to a police force or police area, means that force or area as it existed immediately before 16th May 1975;

" new " in relation to a police area, means that area as established on 16th May 1975;

" police cadet " means a police cadet appointed under Part 1 of the Police (Scotland) Act 1967(b) and any reference to a police cadet of a force is a reference to a police cadet undergoing training with a view to becoming a constable of that force.

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

3. A constable in an existing police force, other than a chief constable, or a police cadet undergoing training with a view to becoming a constable in that force, who falls within a category of constables or cadets described in column 1 of Schedule 1 to this Order shall, on 16th May 1975, become a constable, or, as the case may be, a police cadet undergoing training with a view to becoming a constable, of the police force for the new police area specified opposite thereto in column 2 of the said Schedule 1.

(a) 1973 c. 65. (b) 1967 c. 77. (c) 1889 c. 63.

4. Where immediately before 16th May 1975 by virtue of—

(*a*) section 38(1)(*a*) of the Police (Scotland) Act 1967, or

(*b*) section 2 of the Police (Overseas Service) Act 1945**(a)**, or

(*c*) section 2 of the Police Act 1969**(b)**

a constable has a right of reversion to an existing police force, that section shall apply to him in relation to any period after 15th May 1975 as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the police force for the new police area designated by the police authority for the new police area, or by agreement between the police authorities for the new police areas, as the case may be, specified in column 2 of Schedule 2 to this Order opposite to the existing police force in column 1 of the said Schedule 2 to which he is entitled to revert immediately before 16th May 1975; and references in that section to the appropriate authority shall be construed accordingly.

5.—(1) Any agreement between the police authorities as to the transfer of constables under the provisions of Article 3 of, and Schedule 1 to, this Order, or as to the designation of a police force for a new police area to which a constable is entitled to revert under the provisions of Article 4 of, and Schedule 2 to, this Order shall be subject to the approval of the Secretary of State.

(2) In default of such agreement so approved the matters requiring such agreement shall be determined by the Secretary of State.

6.—(1) All constables of an existing police force who are transferred under the provisions of Article 3 of, and Schedule 1 to, this Order shall be deemed to have been duly appointed and attested under the Police (Scotland) Act 1967 as constables of the police force for the new police area to which they are transferred, and to have made a declaration in the prescribed terms, and shall hold in that force the same ranks respectively as they held immediately before 16th May 1975.

(2) All police cadets who are transferred under the provisions of Article 3 of, and Schedule 1 to, this Order shall be deemed to have been appointed under Part I of the Police (Scotland) Act 1967 to undergo training with a view to becoming constables of the police force for the new police area to which they are transferred.

7. Where immediately before 16th May 1975 a member of an existing police force who is transferred under the provisions of Article 3 of, and Schedule 1 to, this Order is entitled to appeal to the Secretary of State under the provisions of section 30 of the Police (Scotland) Act 1967 or where any such member has appealed to the Secretary of State under those provisions before that date but the appeal has not been determined, then, unless the Secretary of State otherwise directs, the disciplinary authority in respect of offences against discipline committed by constables of the police force for the new police area to which he is transferred shall, on and after 16th May 1975 be the respondent for the purpose of the appeal.

8.—(1) Any register, or the appropriate part of any register, kept in pursuance of any enactment by the chief constable of an existing police force constables

(a) 9 & 10 Geo. 6 c. 17. **(b)** 1969 c. 63.

of which are transferred under the provisions of Article 3 of, and Schedule 1 to, this Order shall be transferred by him as soon as may be after 16th May 1975 in accordance with the provisions of paragraph (2) of this Article, and thereafter shall be deemed to form part of the register kept by the chief constable to whom it is transferred.

(2) (*a*) If all the constables of an existing police force are transferred to the police force for a new police area, the register shall be transferred to the chief constable of that new police area.

(*b*) If constables of an existing police force are transferred to the police forces for two or more new police areas, the register shall be transferred to the chief constable of any one of those new police areas selected by the first mentioned chief constable.

(*c*) In the case of a register transferred under the provisions of paragraph (*b*) above, the chief constable of a new police area to whom the register is not transferred may request the chief constable to whom it is transferred to transfer to him the part of the register pertaining to his police area.

(*d*) Any dispute concerning the transfer of any register or part thereof may be resolved by the Secretary of State whose determination shall be final.

9. Subject to the foregoing provisions of this Order, anything done before 16th May 1975 by, to or before the chief constable or police authority or joint police committee of an existing police area shall, as from 16th May 1975, be treated as having been done by, to or before the police authority or chief constable for the appropriate new police area.

10. On the coming into operation of this Order all the existing police forces specified in column 1 of Schedule 2 to this Order shall cease to exist and the Police (Amalgamation) Orders specified in Schedule 3 and the Police Amalgamation Schemes approved or made by those Orders and set out therein are hereby revoked.

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

St. Andrew's House,
Edinburgh.

15th January 1975.

SCHEDULE 1

Constables and Police Cadets

1 *Existing Police Forces*	2 *New Police Areas*
1. (*a*) All constables and police cadets of the existing Berwick, Roxburgh and Selkirk Constabulary	1. Borders.
(*b*) Such constables and police cadets (if any) of the existing Lothians and Peebles Constabulary as may be agreed between the police authorities for the new police areas of Borders, Central and Lothian	
2. (*a*) All constables and police cadets of the existing Stirling and Clackmannan Constabulary except those becoming constables or police cadets of the police force for the new police area of Strathclyde	2. Central.
(*b*) Such constables and police cadets (if any) of the existing Perth and Kinross Constabulary as may be agreed between the police authorities for the new police areas of Central and Tayside	
(*c*) Such constables and police cadets (if any) of the existing Lothians and Peebles Constabulary as may be agreed between the police authorities for the new police areas of Borders, Central and Lothian	
3. All constables and police cadets of the existing Dumfries and Galloway Constabulary	3. Dumfries and Galloway.
4. All constables and police cadets of the existing Fife Constabulary	4. Fife.
5. (*a*) All constables and police cadets of the existing Aberdeen City Constabulary	5. Grampian.
(*b*) All members and police cadets of the existing Scottish North Eastern Counties Constabulary except those becoming members or police cadets of the police force for the new police area of Highland	
6. (*a*) All constables and police cadets of the existing Northern Constabulary except those becoming constables or police cadets of the police forces for the new police areas of Orkney and Shetland	6. Highland.

1 *Existing Police Forces*	2 *New Police Areas*
(*b*) All constables and police cadets of the existing Ross and Sutherland Constabulary except those becoming constables or police cadets of the police force for the new police area of Western Isles	
(*c*) All constables and police cadets of the existing Inverness Constabulary except those becoming constables or police cadets of the police force for the new police area of Western Isles	
(*d*) Such constables and police cadets (if any) of the existing Argyll Constabulary as may be agreed between the police authorities for the new police areas of Highland and Strathclyde	
(*e*) Such constables and police cadets (if any) of the existing Scottish North Eastern Counties Constabulary as may be agreed between the police authorities for the new police areas of Highland and Grampian	
7. (*a*) All constables and police cadets of the existing Edinburgh Constabulary	7. Lothian.
(*b*) All constables and police cadets of the existing Lothians and Peebles Constabulary except those becoming members of the police force for the new police areas of Borders and Central	
8. (*a*) All constables and police cadets of the existing Ayrshire Constabulary	8. Strathclyde.
(*b*) All constables and police cadets of the existing Dunbartonshire Constabulary	
(*c*) All constables and police cadets of the existing Glasgow Constabulary	
(*d*) All constables and police cadets of the existing Lanarkshire Constabulary	
(*e*) All constables and police cadets of the existing Renfrew and Bute Constabulary	
(*f*) All constables and police cadets of the existing Argyll Constabulary except those becoming constables or police cadets of the police force for the new area of Highland	
(*g*) Such constables and police cadets (if any) of the existing Stirling and Clackmannan Constabulary as may be agreed between the police authorities for the new police areas of Strathclyde and Central	

1 *Existing Police Forces*	2 *New Police Areas*
9. (*a*) All constables and police cadets of the existing Angus Constabulary	9. Tayside.
(*b*) All constables and police cadets of the existing Dundee Constabulary	
(*c*) All constables and police cadets of the existing Perth and Kinross Constabulary except those becoming constables or police cadets of the police force for the new police area of Central	
10. Such constables and police cadets (if any) of the existing Northern Constabulary as may be agreed between the police authorities for the new police areas of Highland, Orkney and Shetland	10. Shetland.
11. Such constables and police cadets (if any) of the existing Northern Constabulary as may be agreed between the police authorities for the new police areas of Highland, Orkney and Shetland	11. Orkney.
12. (*a*) Such constables and police cadets (if any) of the existing Ross and Sutherland Constabulary as may be agreed between the police authorities for the new police areas of Highland and Western Isles	12. Western Isles
(*b*) Such constables and police cadets (if any) of the existing Inverness Constabulary as may be agreed between the police authorities for the new police areas of Highland and Western Isles	

SCHEDULE 2

1 *Existing Police Forces*	2 *New Police Areas*
1. Aberdeen	Grampian.
2. Angus	Tayside.
3. Argyll	Strathclyde, Highland.
4. Ayr	Strathclyde.
5. Berwick, Roxburgh and Selkirk	Borders.
6. Dunbartonshire	Strathclyde.
7. Dumfries and Galloway	Dumfries and Galloway.

1 *Existing Police Forces*	2 *New Police Areas*
8. Dundee	Tayside.
9. Edinburgh	Lothian.
10. Fife	Fife.
11. Glasgow	Strathclyde.
12. Inverness	Highland, Western Isles.
13. Lanarkshire	Strathclyde.
14. Lothians and Peebles	Borders, Lothian, Central.
15. Northern	Highland, Orkney, Shetland.
16. Perth and Kinross	Tayside, Central.
17. Renfrew and Bute	Strathclyde.
18. Ross and Sutherland	Highland, Western Isles.
19. Scottish North Eastern Counties	Grampian, Highland.
20. Stirling and Clackmannan	Central, Strathclyde.

SCHEDULE 3

Police (Amalgamation) Orders Revoked

Orders Revoked	*References*
The Angus Police (Amalgamation) Order 1949	SI 1949/474.
The Ayrshire Police (Amalgamation) Order 1968	SI 1968/264.
The Berwick, Roxburgh and Selkirk Police (Amalgamation) Order 1947	SI 1947/2737.
The Berwick, Roxburgh and Selkirk Police (Amalgamation) Amendment Scheme Order 1961	SI 1961/905.
The Dumfries and Galloway Police (Amalgamation) Order 1947	SI 1947/2515.
The Dunbartonshire Police (Amalgamation) Order 1949 ...	SI 1949/559.
The Fife Police (Amalgamation) Order 1949	SI 1949/659.
The Inverness Police (Amalgamation) Order 1968	SI 1968/1282.
The Inverness Police (Amalgamation) Amendment Scheme Order 1970	SI 1970/1177.
The Lanarkshire Police (Amalgamation) Order 1967	SI 1967/870.

Orders Revoked	*References*
The Lothians and Peebles Police (Amalgamation) Order 1950 ...	SI 1950/36.
The Northern Police (Amalgamation) Order 1969	SI 1969/305.
The Perth and Kinross Police (Amalgamation) Order 1964 ...	SI 1964/163.
The Renfrew and Bute Police (Amalgamation) Order 1967 ...	SI 1967/823.
The Ross and Sutherland Police (Amalgamation) Order 1963 ...	SI 1963/803.
The Scottish North Eastern Counties Police (Amalgamation) Order 1948	SI 1948/1609.
The Stirling and Clackmannan Police (Amalgamation) Order 1949	SI 1949/948.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the transfer of policemen consequent on changes in police areas arising under the Local Government (Scotland) Act 1973. It provides for the transfer of all constables (other than chief constables), police cadets and special constables to the new police areas established on 16th May 1975 and for constables having a right of reversion to an existing police force to have a right of reversion to a new police force.

The Order also revokes, with effect from 16th May 1975, all existing Police Amalgamation Schemes (not otherwise revoked) and all the amendments thereto, and provides that with effect from 16th May 1975 all police forces existing before that date shall cease to exist.

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ISBN 0-11-050060-1

