STATUTORY INSTRUMENTS

# 1973 No. 1715

## POLICE

## The West Mercia Police (Amalgamation) Order 1973

*Made* - - - - 13*th October* 1973

Whereas, by virtue of the West Mercia Police Amalgamation Scheme 1966 (set out in the West Mercia Police (Amalgamation) Order 1966(a)), the areas of the existing counties of Herefordshire, Salop and Worcestershire and county borough of the city of Worcester have become a combined police area known as the West Mercia police area:

And whereas the counties of Hereford and Worcester and of Salop established by the Local Government Act 1972(b) together comprise part of the said combined police area:

And whereas the police authority for the said combined police area and the councils of the counties of Hereford and Worcester and of Salop, 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 Hereford and Worcester and of Salop, 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 West Mercia Police (Amalgamation) Order 1973.

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

Home Office,
Whitehall.
13th October 1973.

(a) S.I. 1966/1617.
(b) 1972 c. 70.
(c) 1964 c. 48.
(d) S.I. 1973/840 (1973 II, p. 2641).

## APPENDIX

### THE WEST MERCIA POLICE AMALGAMATION SCHEME 1973

*West Mercia combined police area*

**1.** On the appointed day, the police areas consisting of the county of Hereford and Worcester and the county of Salop shall be amalgamated for police purposes and be constituted a combined police area, which shall be known as the West Mercia police area.

*West Mercia 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 West Mercia police authority.

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

*West Mercia constabulary*

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

*West Mercia 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 West Mercia 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 police fund" mean, respectively, the area, authority, force and fund constituted or 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 Hereford and Worcester or the county of Salop and "the constituent council" means, in relation to such an area, the council of the county concerned;

"police purposes" includes the purposes of section 8 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 West Mercia 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

### WEST MERCIA POLICE AUTHORITY

1. The combined police authority shall consist of 33 members, of whom—
   (*a*) 22 shall be members of the constituent councils, and
   (*b*) 11 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*) 14 shall be appointed by the council of the county of Hereford and Worcester, and

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

in each case from among the members of the council concerned.

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

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

(*a*) 7 shall be appointed by the magistrates' courts committee for the county of Hereford and Worcester, and

(*b*) 4 shall be appointed by the magestrates' courts committee for the county of Salop,

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 Schedule, 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 Schedule, 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 of his intention so to do.

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 Schedule, 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 among 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 among its members shall forthwith fill the vacancy by election.

7.—(1) The first meeting of the combined police authority shall be convened by the chairman of the council of the county of Hereford and Worcester 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 chief executive officer of the council of the county of Hereford and Worcester 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 7 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

### West Mercia 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 their appropriate proportion of the net expenses of the combined police authority in respect of that year.

(2) Each constituent authority shall make interim payments into the combined police fund on account of their contribution payable under sub-paragraph (1) of this paragraph in respect of that year at such intervals as may be determined by the combined police authority and the constituent authorities. The total of the interim payments for each half year shall amount to one half of the amount of the contribution as estimated by the combined police authority:

Provided that—

(*a*) the combined police authority may in the event of changes in the authority's expenditure which could not reasonably have been foreseen from time to time revise the said estimate, and the 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 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 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, a revised estimate for that year, and an estimate for the following year, of the combined police authority's expenditure and of their income on revenue and capital accounts.

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 12 months ending on 31st March and, for the purpose thereof, the net expenditure of the combined police authority and force in respect of any financial year shall be the amount of their expenditure in respect of that year less all income (including government grant) which is due to the combined police fund in respect of that year, other than contributions payable under paragraph 1 of this Schedule, so, however, that any expenditure incurred by the combined police authority before the appointed day and any government grant payable thereon shall be treated for the purposes of this Schedule, as though it were incurred or, as the case may be, payable in respect of the financial year ending 31st March 1975.

(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 population of the constituent area in question bears to the population of the combined police area—

(*a*) except for the purposes of paragraph 1(2) of this Schedule, as estimated by the Registrar of Births, Deaths and Marriages as at 30th June in the financial year in question;

(*b*) for the purposes of the said paragraph 1(2), as so estimated as at 30th June in the preceding financial year.

## SCHEDULE 3

### Officers and Servants of the West Mercia Police Authority

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 neither of them shall be dismissed from his office without the consent of the Secretary of State.

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, other than references to a parish council, 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 Hereford and Worcester and of Salop.

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