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STATUTORY INSTRUMENTS

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**2008 No. 630**

**The Police Authority Regulations 2008**

**PART 2**

**Members of Police Authorities**

**Number of Members of Police Authorities**

**6.—(1)** Where, by virtue of section 4 of the 1996 Act (membership of police authorities outside Greater London), a police authority is to consist of seventeen members—

- (a) nine of those members shall be members of a relevant council appointed under regulation 7, and
- (b) eight shall be persons appointed under regulation 9.

(2) The police authorities for the police areas of Devon and Cornwall, Greater Manchester, Thames Valley, Dyfed Powys and South Wales shall consist of nineteen members where

- (a) ten of those members shall be members of a relevant council appointed under regulation 7, and
- (b) nine shall be persons appointed under regulation 9.

**Appointment of members by relevant councils**

**7.—(1)** In the case of a police authority in relation to which there is only one relevant council, the members referred to in regulation 6(1)(a) or 6(2)(a) shall be appointed by that council.

(2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

(3) The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.

**8.—(1)** A relevant council or joint committee shall exercise its power to appoint members of a police authority under regulation 6(1)(a) or 6(2)(a) so as to ensure that, so far as practicable, in the case of the members for whose appointment it is responsible, the proportion who are members of any given party—

- (a) where it is a council that is responsible for their appointment, is the same as the proportion of the members of the council who are members of that party; and
- (b) where it is a joint committee that is so responsible, is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party.

**Appointment of independent members**

**9.—(1)** The members referred to in regulation 6(1)(b) or 6(2)(b) shall be appointed—

- (a) by the existing members of the police authority,

(b) from among persons on a short-list prepared by a selection panel in accordance with Part 3 of these Regulations.

(2) Where an existing member of the police authority is on the short-list referred to in paragraph (1)(b) that person shall not be entitled to play any role in the appointment of persons from that short-list and shall not be considered to be an existing member of the police authority for the purposes of paragraph (1)(a).

**10.**—(1) Every police authority shall arrange for a notice stating—

- (a) the name of each of its members appointed under regulation 9,
- (b) such other information relating to each of such members as the police authority considers appropriate,

to be published in such manner as appears to it to be appropriate.

(2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under paragraph (1).

**11.** At least one of the members referred to in regulation 6(1)(b) or 6(2)(b) shall be a lay justice for an area all or part of which constitutes or forms part of the police authority's area.

#### **Chairman and Vice Chairman**

**12.**—(1) A police authority shall at each annual meeting appoint a chairman from among its members.

(2) The appointment under paragraph (1) shall be the first business transacted at the meeting.

(3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—

- (a) at the next meeting of the police authority (other than an extraordinary meeting), or
- (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

**13.**—(1) At an annual meeting a police authority may appoint one or more vice-chairmen from among its members.

(2) The making of appointments under paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.

(3) Where a vice-chairman ceases to hold office at any time between annual meetings, a police authority may make an appointment to fill the vacancy at any meeting of the police authority held more than fourteen days after the occurrence of the vacancy.

(4) Subject to any standing orders made by a police authority, anything authorised or required to be done by, to or before its chairman may be done by, to or before any vice-chairman of the authority.

#### **Disqualification**

**14.**—(1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified from being appointed as or being a member of a police authority if—

- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the police authority is represented, or by any person holding any such office or employment;
- (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;

(c) he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(1), to a disqualification order under Part II of the Companies (Northern Ireland) Order 1989(2), to a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(3) or to an order made under section 429(2)(b) of the Insolvency Act 1986(4) (failure to pay under county court administration order); or

(d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.

(2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the police authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified from being appointed as or being a member of that other police authority.

(3) Where a person is disqualified under paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestered, the disqualification shall cease—

(a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and

(b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

(4) Where a person is disqualified under paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.

(5) For the purposes of paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

**15.—(1)** A person shall be disqualified from being appointed as a member of a police authority under regulation 9 if—

(a) he has not yet attained the age of eighteen years, or

(b) neither his principal or only place of work, nor his principal or only place of residence, has been in the police area of the police authority during the whole of the period of twelve months ending with the day of appointment.

(2) A person shall be disqualified from being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.

**16.—(1)** A person shall be disqualified from being appointed as a member of a police authority under regulation 9, and from being a member so appointed, if he is—

(a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;

(b) a member of a police force;

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(1) 1986 c.46.  
(2) No.2404 (N.I.18)  
(3) No.3150 (N.I.4).  
(4) 1986 c.45.

- (c) an officer or employee of a police authority; or
- (d) an officer or employee of a relevant council.

(2) A person shall not be regarded for the purposes of paragraph (1)(d) as an employee of a relevant council by reason of his holding—

- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
- (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

**17.** A member of the selection panel for the police authority's area established under Part 3 of these Regulations shall be disqualified from being appointed as a member of a police authority under regulation 9, but a member so appointed may subsequently be appointed as a member of a selection panel under regulation 32.

### **Tenure of office**

**18.—(1)** A member shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment and these Regulations.

**19.—(1)** A person shall be appointed to hold office as a member of a police authority for—

- (a) a term of four years, or
- (b) such shorter term as the body appointing him may determine in any particular case.

**20.—(1)** Subject to paragraph (2) a person who ceases to be a member, otherwise than by virtue of regulation 24, or ceases to be chairman, may (if otherwise eligible) be re-appointed whether at the expiry of his term or subsequently.

(2) Members of the police authority referred to in regulation 6(1)(b) or 6(2)(b) shall not—

- (a) be appointed to serve more than two terms of office without the approval of the Secretary of State;
- (b) be appointed to serve a further term of office until four years after the expiry of the previous term, other than when appointed to serve a further term of office on the expiry of the previous term; and
- (c) be appointed to serve a further term unless the selection panel established under Part 3 of these Regulations is satisfied with their performance as a member during their previous term.

**21.** A person may at any time resign his office as a member, or as chairman or vice –chairman, by notice in writing to the police authority.

**22.** A member of a relevant council appointed to be a member of a police authority under regulation 6(1)(a) or 6(2)(a) shall cease to be a member of the police authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).

**23.** A council or joint committee may remove from office a member of a police authority appointed by it under regulation 7 with a view to appointing another in his place if it considers that to do so would further the objective provided for by regulation 8.

**24.** A police authority may remove a member from office by notice in writing if—

- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,

- (b) he has been convicted of a criminal offence (but is not disqualified from being a member under regulation 14),
- (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
- (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.

**25.** Where a police authority removes a member under regulation 24, it shall give notice of that fact—

- (a) in the case of a member appointed under regulation 7, to the body which appointed him, and
- (b) in the case of a member appointed under regulation 9, to the Secretary of State.

**26.** If a chairman or vice-chairman of a police authority ceases to be a member, he shall also cease to be chairman or vice-chairman.

#### **Validity of acts**

**27.** The acts and proceedings of any person appointed to be a member, chairman or vice-chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

**28.** The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the police authority or in the office of chairman or vice-chairman or by any defect in the appointment of a person as a member or as chairman or vice-chairman.

#### **Allowances**

**29.—(1)** Subject to paragraphs (2) to (4), a police authority may make to its chairman, vice-chairman and other members such payments by way of reimbursement of expenses and allowances as the police authority may determine.

(2) No payment shall be made under this paragraph except in accordance with arrangements published by the police authority not more than twelve months before the making of the payment.

(3) A police authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by the authority.

(4) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice-chairman or other member or is appointed under regulations 7 or 9.

#### **Members of standards committees**

**30.** Regulation 29 shall have effect in relation to a police authority as if references to members of the police authority included references to persons who are not members of the police authority but are members of the police authority's standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of the police authority but are members of the police authority's standards committee.