

2013 No. 86

POLICE

The Police Federation (Scotland) Regulations 2013

Made - - - - - *26th February 2013*

Laid before the Scottish Parliament *28th February 2013*

Coming into force - - - *1st April 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 60 of the Police Act 1996(a) and all other powers enabling them to do so.

In accordance with section 60(4) of that Act, the Scottish Ministers have consulted the three Central Committees of the Police Federation for Scotland, sitting together as a Joint Committee.

PART 1

General provisions

Citation and commencement

1. These Regulations may be cited as the Police Federation (Scotland) Regulations 2013 and come into force on 1st April 2013.

Interpretation

2. In these Regulations (except where the context otherwise requires)—

“the 2012 Act” means the Police and Fire Reform (Scotland) Act 2012(b)

“chief constable” means the constable appointed to the office of chief constable under section 7(1)(a) of the 2012 Act;

“inspector” includes, other than in regulation 10(4), the rank of chief inspector;

“Police Service” means the Police Service of Scotland.

(a) 1996 c.16; section 60 was relevantly amended by paragraph 13(3) of schedule 7 to the Police and Fire Reform (Scotland) Act 2012 (asp 8). The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 2012 asp 8.

PART 2

Constitution of the Scottish Police Federation

The Scottish Police Federation

3. The Police Federation for Scotland (“the Federation”) is to be known, and referred to, as the “Scottish Police Federation”.

Membership

4.—(1) The Federation is to consist of the following members—

- (a) every constable of the Police Service that holds the rank of—
 - (i) inspector;
 - (ii) sergeant; and
 - (iii) constable;
- (b) every special constable of the Police Service (appointed under section 9 of the 2012 Act); and
- (c) every police cadet undergoing training with a view to becoming a constable of the Police Service (appointed under section 25 of the 2012 Act).

(2) In paragraph (1)(a), “constable of the Police Service” means an individual holding the office of constable who is serving as a constable of the Police Service and—

- (a) includes any constable on temporary service outwith the Police Service (either under arrangements made under section 15 of the 2012 Act, or by virtue of paragraph 8(3) and (4) of schedule 5 to that Act);
- (b) does not include any individual engaged on temporary service as a constable of the Police Service (either under arrangements made under section 16 of the 2012 Act, or by virtue of paragraph 8(1) and (2) of schedule 5 to that Act).

Structure

5. The Federation must establish—

- (a) a joint central committee (consisting of three central committees, sitting together as a joint committee);
- (b) such number of area committees as is determined in accordance with regulation 11(1)(a); and
- (c) a joint central conference.

Rules

6. The joint central committee may make rules concerning the Federation’s constitution and proceedings which make provision relating to—

- (a) the membership of the joint central committee, the central committees, the area committees, the area sub-committees and the joint central conference, including—
 - (i) the arrangements for holding elections and electoral procedure;
 - (ii) the period for which members are to be elected;
 - (iii) the cessation of membership and the removal of members;
 - (iv) the filling of casual vacancies;
 - (v) the election and removal of the joint central committee’s officers; and
 - (vi) such provision in relation to sub-paragraphs (i) to (v) as is necessary for the purposes of regulation 10(2);

- (b) the functions (including powers and duties) and proceedings of these bodies;
- (c) the raising of funds for the Federation's purposes, including the procedure for collecting voluntary subscriptions from members and the amount of such subscriptions;
- (d) the use and management of the Federation's funds and property;
- (e) the services and benefits which may be provided to members, and the circumstances in which members will be entitled to such services and benefits;
- (f) the procedure to apply in the case of non-compliance with any rule made under this regulation; and
- (g) the procedure by which the joint central committee may vary or revoke any rule made under this regulation.

PART 3

The joint central committee and the central committees

Membership

7.—(1) The joint central committee is to consist of three central committees, sitting together as a joint committee, and every member elected to a central committee is accordingly a member of the joint central committee.

(2) The central committees are—

- (a) the inspectors' central committee;
- (b) the sergeants' central committee; and
- (c) the constables' central committee.

(3) Each central committee's members must be elected from the number of representatives specified in paragraph (4) and in accordance with any rules made under regulation 6.

(4) The representatives are—

- (a) in the case of the inspectors' central committee, those who are elected to the area committees to represent the rank of inspector;
- (b) in the case of the sergeants' central committee, those who are elected to the area committees to represent the rank of sergeant; and
- (c) in the case of the constables' central committee, those who are elected to the area committees to represent the rank of constable.

(5) Each central committee must consist of an equal number of representatives from each area committee and the total number of members elected to each central committee must be the same.

(6) The Federation—

- (a) must, with the Scottish Ministers' approval, determine the total number of members of the joint central committee (including the total number of members to be elected to each central committee);
- (b) must ensure that the joint central committee's members have equal voting rights (where applicable) during its proceedings; and
- (c) may, with the Scottish Ministers' approval, appoint such additional members to the joint central committee as it considers appropriate for the purpose of carrying out its functions.

Proceedings

8.—(1) The joint central committee—

- (a) may hold four ordinary meetings each calendar year, each meeting lasting not more than two days;

- (b) may, with the Scottish Ministers' consent, hold such additional meetings as it considers necessary;
- (c) may (in addition to any other meetings) hold one meeting each calendar year, lasting not more than two days, with the joint central committee of the Police Federation for England and Wales and the central committee of the Police Federation for Northern Ireland for the purpose of discussing matters of common interest; and
- (d) must meet, at the Scottish Ministers' request, for the purpose of considering any matter which they refer to it.

(2) For the purpose of paragraph (1)(b), such consent may be given if the Scottish Ministers are satisfied that the business proposed to be discussed at the meeting is urgent and cannot reasonably be deferred until the joint central committee's next ordinary meeting.

(3) In addition to the meetings mentioned in paragraph (1), a central committee may hold a separate meeting for the purpose of discussing matters of specific interest to constables holding the rank which its members represent.

(4) A meeting mentioned in paragraph (3) may be held only—

- (a) if it takes place during the time allowed for an ordinary meeting of the joint central committee; or
- (b) with the chief constable's consent.

(5) The joint central committee and the central committees must act in accordance with any rules made under regulation 6 which regulate, or relate to, their respective functions and proceedings.

(6) The joint central committee may, in relation to matters in which the Federation represents its members, make oral or written representations to any of the following:—

- (a) the Scottish Ministers;
- (b) the Scottish Police Authority;
- (c) the chief constable;
- (d) a local commander of the Police Service (a constable designated under section 44(2) of the 2012 Act);
- (e) a local authority;
- (f) the Police Investigations and Review Commissioner (the Commissioner established by section 33 of the Police, Public Order and Criminal Justice (Scotland) Act 2006^(a) and renamed by section 61 of the 2012 Act).

Expenses

9. The Scottish Ministers may pay to the joint central committee such expenses as they may determine.

Officers

10.—(1) Members of the joint central committee must elect from their number the following officers in accordance with any rules made under regulation 6—

- (a) a chairperson;
- (b) a deputy chairperson;
- (c) a secretary; and
- (d) a deputy secretary.

(a) 2006 asp 10.

- (2) During each officer's tenure of office, the officer is to continue to be a member of—
- (a) the central committee to which the officer was elected under regulation 7(3);
 - (b) the area committee to which the officer was elected under regulation 11(2)(a) (and from which the officer was elected to the central committee mentioned in sub-paragraph (a)); and
 - (c) the joint central conference.
- (3) The Federation must make such contribution in respect of each officer's pay, pension and allowances as the Scottish Ministers determine.
- (4) If any officer is below the rank of inspector, the Regulations mentioned in paragraph (5) are to apply to the officer as if that officer held the rank of inspector.
- (5) The Regulations are those for the time being in force under—
- (a) section 48 of the 2012 Act, in so far as they relate to leave, pay and allowances; and
 - (b) the Police Pensions Act 1976(a), except in so far as they relate to compulsory retirement on account of age.

PART 4

Area committees

Number of committees and membership

11.—(1) The joint central committee must, with the Scottish Ministers' approval, determine the total number of—

- (a) area committees to be established; and
- (b) members to be elected to each area committee.

(2) The members of each area committee must—

- (a) be elected in accordance with any rules made under regulation 6; and
- (b) consist of an equal number of representatives of each of the following ranks—
 - (i) inspector;
 - (ii) sergeant; and
 - (iii) constable; and
- (c) have equal voting rights (where applicable) during its proceedings.

Proceedings

12.—(1) Each area committee may hold four ordinary meetings in each calendar year, each meeting lasting not more than one day.

(2) An area committee's members may meet separately, according to their rank, for the purpose of discussing matters of specific interest to constables holding the rank of inspector, sergeant and constable, respectively.

(3) A meeting mentioned in paragraph (2) may be held only—

- (a) if it takes place during the time allowed for an ordinary meeting of the area committee; or
- (b) with the chief constable's consent.

(4) Each area committee must act in accordance with any rules made under regulation 6 which regulate, or relate to, its functions and proceedings.

(a) 1976 c.35.

Area sub-committees

13.—(1) An area committee may, with the chief constable's consent, establish such sub-committees of its members as it considers expedient.

(2) An area sub-committee may, with the chief constable's consent, hold such number of meetings as it considers necessary.

(3) An area sub-committee must act in accordance with any rules made under regulation 6 which regulate, or relate to, its functions and proceedings.

PART 5

The joint central conference

Membership

14. The joint central conference's members must—

- (a) consist of every member elected to an area committee (including those who are also members of the joint central committee by virtue of being elected to one of the central committees); and
- (b) have equal voting rights (where applicable) during its proceedings.

Proceedings

15.—(1) The joint central conference may only meet once in every two calendar years, each meeting lasting not more than three days or, with the Scottish Ministers' consent, four days.

(2) The joint central conference's members may meet separately, according to their rank, for the purpose of discussing matters of specific interest to constables holding the rank of inspector, sergeant and constable, respectively.

(3) A meeting mentioned in paragraph (2)—

- (a) may be held only—
 - (i) if it takes place during the time allowed for an ordinary meeting of the joint central conference; or
 - (ii) with the chief constable's consent; and
- (b) must not last more than half a day.

(4) The joint central conference must act in accordance with any rules made under regulation 6 which regulate, or relate to, its functions and proceedings.

PART 6

Accommodation, funds and accounts

Accommodation

16.—(1) The Scottish Police Authority may make available to the Federation, accommodation in premises which it provides for police purposes.

(2) Where the Scottish Police Authority makes available such accommodation, the Federation must be under no obligation to pay for the use of that accommodation.

Subscriptions and use of funds

17.—(1) The Federation may raise funds by collecting voluntary subscriptions from its members.

- (2) The Federation's funds must not be used—
- (a) to promote the interests of a political party or, directly or indirectly, a person's candidature in a parliamentary or local government election; or
 - (b) to contribute to the funds of a trade union or a political party.

Accounts and audit

- 18.**—(1) The joint central committee must—
- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) as soon as practicable after the end of each yearly period ending on 31st March—
 - (i) prepare a statement of accounts in respect of that period;
 - (ii) send a copy of the statement of accounts to an independent auditor for auditing; and
 - (iii) provide a copy of the statement of accounts, and the independent auditor's report on those accounts, to the Scottish Ministers.
- (2) In this regulation, “independent auditor” means a person who—
- (a) is eligible for appointment as a statutory auditor under Chapter 2 of Part 42 of the Companies Act 2006^(a); and
 - (b) if the appointment were an appointment as a statutory auditor, would not be prohibited from acting by section 1214 of that Act (independence requirement).

PART 7

Revocation and transitional provisions

Revocation

- 19.** The Police Federation (Scotland) Regulations 1985^(b) are revoked.

Transitional provisions

- 20.** The Schedule (transitional provisions) has effect.

KENNY MACASKILL
A member of the Scottish Government

St Andrew's House,
Edinburgh
26th February 2013

(a) 2006 c.46; Chapter 2 of Part 42 was relevantly amended by regulations 4, 5 and 6 of the Statutory Auditors and Third Country Auditors Regulations 2007 (S.I. 2007/3494).
(b) S.I. 1985/1531.

SCHEDULE

Regulation 20

TRANSITIONAL PROVISIONS

1. In this Schedule, “the 1985 Regulations” means the Police Federation (Scotland) Regulations 1985.

2. Paragraphs 3 to 5 apply until the members of the central committees and the area committees are first elected under regulations 7(3) and 11(2)(a) respectively.

3. For the purpose of regulation 5, where this paragraph applies, every member elected before 1st April 2013 (in accordance with the 1985 Regulations and any rules made under regulation 17(1) of those Regulations) to—

- (a) a central committee, is to be treated as having been elected to the corresponding central committee under regulation 7(3) and as being a member of the joint central committee under regulation 7(1); and
- (b) a branch board, is to be treated as having been elected to an area committee under regulation 11(2)(a).

4. Accordingly, where this paragraph applies, every member mentioned in paragraph 3 is to be treated as being a member of the joint central conference under regulation 14(a).

5. For the purpose of regulation 10(1), where this paragraph applies—

- (a) the person elected before 1st April 2013 to the office of—
 - (i) chairman under regulation 12(1) of the 1985 Regulations, is to be treated as having been elected to the office of chairperson of the joint central committee under regulation 10(1)(a); and
 - (ii) secretary under regulation 12(1) of the 1985 Regulations, is to be treated as having been elected to the office of secretary of the joint central committee under regulation 10(1)(c).
- (b) the chairperson of the joint central committee must nominate, from among its members—
 - (i) a deputy chairperson, who is to be treated as having been elected to that office under regulation 10(1)(b); and
 - (ii) a deputy secretary, who is to be treated as having been elected to that office under regulation 10(1)(d).

6.—(1) This paragraph applies until the first rules under regulation 6, which make provision relating to the joint central committee’s functions and proceedings, come into effect.

(2) For the purpose of regulation 6, where this paragraph applies, the joint central committee must act in accordance with any rules made under regulation 17(1) of the 1985 Regulations which regulate the proceedings of the joint central committee constituted under regulation 10(3) of those Regulations.

7.—(1) This paragraph applies to anything done before 1st April 2013 in respect of any matter in which the Federation represents its members and which is ongoing at that date.

(2) Where this paragraph applies, anything done by or in relation to—

- (a) the joint central committee constituted under regulation 10(3) of the 1985 Regulations, or a central committee constituted under regulation 10(1) of those Regulations, continues to have effect on and after 1st April 2013 as if it had been done by or in relation to the joint central committee established under regulation 5(a);
- (b) a branch board constituted under regulation 7(1) of the 1985 Regulations, continues to have effect on and after 1st April 2013 as if it had been done by or in relation to an area committee established under regulation 5(b).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for a change in the Scottish Police Federation's constitution and proceedings.

The Regulations make provision in relation to—

- (a) the Federation's membership (regulation 4) and its constitution, including the establishment of a joint central committee (consisting of three central committees, sitting together as a joint committee), area committees and a joint central conference (regulation 5);
- (b) the joint central committee's power to make rules concerning specific matters relating to the Federation's constitution and proceedings (regulation 6);
- (c) the joint central committee's and the central committees' membership (regulation 7) and proceedings (regulation 8), as well as provision concerning the joint central committee's expenses (regulation 9), the election of its chairperson, deputy chairperson, secretary and deputy secretary, and the contributions to be made in respect of those officers' pay, pensions and allowances (regulation 10);
- (d) the area committees, including their total number and membership (regulation 11), their proceedings (regulation 12), and the establishment of area sub-committees (regulation 13);
- (e) the joint central conference's membership (regulation 14) and proceedings (regulation 15);
- (f) the Federation's use of accommodation in premises which the Scottish Police Authority provides for police purposes (regulation 16);
- (g) the raising of Federation funds by voluntary subscriptions and the restrictions on the use of those funds (regulation 17); and
- (h) the joint central committee's duty to keep proper accounts (and related records) and to prepare an annual statement of accounts for independent audit (regulation 18).

The Regulations revoke the Police Federation (Scotland) Regulations 1985 (regulation 19). They make transitional provisions concerning the membership of the Federation's constituent bodies until the members of the central committees and the area committees are first elected under these Regulations, the procedure for making the first rules under these Regulations, and the continued effect of anything done before 1st April 2013 in relation to any matters which are ongoing at that date (regulation 20 and the Schedule).

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Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

£5.75

S201302282 03/2013 19585

<http://www.legislation.gov.uk/id/ssi/2013/86>

ISBN 978-0-11-101987-0



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