

POLICY NOTE

THE POLICE FEDERATION (SCOTLAND) REGULATIONS 2013

SSI 2013/86

The above instrument was made in exercise of the powers conferred by section 60 of the Police Act 1996 (“the 1996 Act”). The instrument is subject to negative procedure.

Policy Objectives

1. The Police and Fire Reform (Scotland) Act 2012, changes the policing landscape in Scotland. It brings together the current eight forces, the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency into a single Police Service of Scotland from 1 April 2013.
2. The Scottish Police Federation (SPF) is the staff association which represents constables, sergeants, inspectors, chief inspectors (“the federated ranks”), cadets and special constables in Scotland in matters affecting their welfare and efficiency as set out at section 59(1) of the 1996 Act. The main policy objective of these Regulations is to provide for the restructure of the SPF in light of the establishment of the Police Service of Scotland and to enable it to work effectively at a national and local level.
3. These Regulations prescribe the SPF’s constitution and proceedings from 1 April 2013. Some of the key policies delivered through the regulations are described below:
4. Part 2 prescribes the SPF’s membership and structure, so that it can act through central and local representative bodies in accordance with section 59(4) of the 1996 Act. Regulation 5 provides for the establishment of a joint central committee (consisting of three central committees, representing each of the federated ranks, sitting together as a joint committee) and a joint central conference. It also provides for the establishment of a number of area committees, the number of which must be approved by Scottish Ministers. Regulation 6 gives the joint central committee, as the SPF’s governing body, the power to make such rules relating to the SPF’s constitution and proceedings as are needed to supplement these Regulations. The Regulations require the SPF’s constituent bodies to act in accordance with any such rules.
5. Part 3 prescribes the membership and proceedings of the joint central committee and the central committees. It also provides for the SPF to determine the total number of members of the joint central committee, subject to the Scottish Minister’s approval. Regulation 8 sets out the meetings which the joint central committee may hold and the manner in which it may make representations to the Scottish Ministers, the Scottish Police Authority, the chief constable of the Police Service of Scotland and other specified persons. Regulation 10 provides for the joint central committee’s members to elect four officers (a chairperson, a deputy chairperson, a secretary and a deputy secretary). Each such officer will continue to be a member of the central committee and area committee to which he/she was elected, and also the joint central conference.
6. Part 4 prescribes the membership and proceedings of the SPF’s local representative bodies, the area committees. Regulation 11 provides for the joint central committee to

determine the total number of area committees to be established, and the number of members to be elected to each of the area committees, subject to the Scottish Ministers' approval. Each area committee must consist of an equal number of representatives from each of the federated ranks, and have equal voting rights during its proceedings. This ensures that the federated ranks are represented equally and fairly. Regulation 12 sets out the meetings which the area committees may hold and regulation 13 allows them to establish sub-committees (where expedient) with the chief constable's consent.

7. Part 5 prescribes the membership and proceedings of the joint central conference. The membership of the area committees determines the membership of the joint central conference as, under Regulation 14, every member of an area committee is automatically a member of the joint central conference. Regulation 15 sets out the meetings which the joint central conference may hold.

8. Part 6 makes provision in relation to accommodation, funding and accounts. Regulation 16 provides for the Scottish Police Authority to make accommodation available to the SPF, without any obligation on the SPF to pay for the use of such accommodation. Regulation 17 allows the SPF to raise funds by collecting voluntary subscriptions from its members and sets out restrictions on the use of those funds. Regulation 18 ensures financial accountability by requiring the joint central committee to keep proper accounts and to send a statement of its accounts, for each financial year, to an independent auditor for audit. It also requires copies of each statement of accounts and auditor's report to be provided to the Scottish Ministers.

Revocation and Transitionals

9. Regulation 19 revokes the Police Federation (Scotland) Regulations 1985 ("the 1985 Regulations"). Regulation 20 makes provision intended to ensure a smooth transition from the SPF's structure under the 1985 Regulations to that provided for by these Regulations. It makes provision in respect of the membership of the SPF's constituent bodies until the members of the central committees and area committees are first elected under these Regulations, and the procedure for making the first rules under these Regulations. For the purposes of any on-going federation activity, it provides for anything done before 1 April 2013 by any of its constituent bodies established under the 1985 Regulations to continue to have effect as if it had been done by the corresponding constituent body established under these Regulations. It also makes transitional provision for the officers of chairman and secretary, elected under the 1985 Regulations, to be treated as having been elected to the respective offices of chairperson and secretary of the joint central committee under these Regulations. The chairperson is to nominate a deputy chairperson and a deputy secretary until the first elections to those offices are held under these Regulations.

Consultation

10. These regulations have been developed in close collaboration with senior officials in the SPF and in accordance with section 60(4) of the Police Act 1996, a draft of the Regulations was shared with the three Central Committees of the Police Federation of Scotland, sitting together as a Joint Committee, for their comment. A public consultation also took place from 25 January to 8 February 2013 and the Scottish Ministers considered the responses made.

Impact Assessment

11. An Equality Impact Assessment was carried on this instrument as part of the suite of workforce regulations. The Cabinet Secretary of Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate
27 February 2013