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STATUTORY INSTRUMENTS

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**2017 No. 1140**

**The Police Federation (England and Wales) Regulations 2017**

**PART 4**

**Financial arrangements**

**Remuneration etc. of members of the national board**

**16.**—(1) The national board must make an appropriate contribution out of the national fund to the relevant local policing body in respect of the pay, pension or allowances payable by the body to or in respect of a member of the national board (other than the national secretary where he or she is not a member of a police force).

(2) In paragraph (1), “appropriate contribution” means such contribution as may be agreed between the national board and the relevant local policing body, or in default of agreement, as may be determined by the Secretary of State.

(3) Regulations made under the following provisions are to have effect in relation to the national chair and the national secretary (where the national secretary is a member of a police force) as provided by paragraph (4)—

- (a) section 50 of the Police Act 1996<sup>(1)</sup>, in so far as they relate to leave, pay and allowances, and
- (b) the Police Pensions Act 1976<sup>(2)</sup> or the Public Service Pensions Act 2013<sup>(3)</sup> (in its application to members of a police force in England and Wales), except in so far as they relate to compulsory retirement on account of age.

(4) Subject to paragraph (5), the Regulations mentioned in paragraph (3) are to have effect as if the national chair and the national secretary held the rank of chief inspector in the metropolitan police; but nothing in this paragraph transfers any rights or liabilities to the local policing body maintaining that force.

(5) Any London weighting or London allowance or supplement provided for under the Regulations mentioned in paragraph (3) is to not apply in the case of an officer mentioned in that paragraph unless it would apply to that person apart from paragraph (4).

**Raising of Federation funds**

**17.**—(1) The Federation may only raise funds by—

- (a) the collection of voluntary subscriptions from its members as mentioned in paragraph (2);
- (b) the acceptance of donations from—

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(1) 1996 c.16. Section 50 was amended by paragraph 3 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4); s.3 of the Policing and Crime Act 2009 (c. 26); s.82 of, and paragraph 32 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; paragraph 23 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); s.123 of the Anti-Social Behaviour, Crime and Policing Act 2014; ss.29 and 48 of, and paragraph 65 of Schedule 9 to, the Policing and Crime Act 2017.

(2) 1976 c.35.

(3) 2013 c.25.

- (i) its members;
  - (ii) reversionary members of home police forces or servicemen within the meaning of the regulations from time to time in force under the Police Pensions Act 1976; or
  - (iii) any other donors authorised by Federation rules;
  - (c) charging fees for the provision of services to members and other persons;
  - (d) such other means as Federation rules may provide.
- (2) Voluntary subscriptions may be collected by the national board from members of the Federation who have opted to pay voluntary subscriptions to the Federation under regulation 4(3).
- (3) The amount which is to be paid as a voluntary subscription is to be determined by the national board, subject to the approval of the annual conference.
- (4) If the Federation fails to give a member of the Federation (“M”) a notice which is required under regulation 6(1)(b), the Federation must—
- (a) notify M of that failure,
  - (b) ask M whether M wishes to continue to be a member of the Federation and if so, whether M wishes to start or continue (as the case may be) to pay voluntary subscriptions to the Federation, and
  - (c) subject to paragraph (5), repay any voluntary subscriptions paid by M before the date of the notification under sub-paragraph (a) within 3 months from that date.
- (5) The requirement in paragraph (4)(c) does not apply where, following the notification under paragraph (4)(a), M waives his or her entitlement under paragraph (4)(c) in writing.
- (6) Where the Federation has repaid voluntary subscriptions to M under paragraph (4)(c), that repayment does not affect M’s entitlement to any benefits, facilities or services that result from payment of those voluntary subscriptions.

### **Management of Federation funds and property**

- 18.—**(1) Subject to these Regulations, Federation funds raised in accordance with regulation 17(1) and Federation property are to be managed in accordance with Federation rules.
- (2) Each branch board must maintain a fund (“the branch fund”) for the purposes of the relevant branch.
- (3) The national board must maintain a fund (“the national fund”) for any purpose of the Federation.

### **Use of Federation funds**

- 19.—**(1) Subject to these Regulations and to Federation rules, the branch board may use its branch fund for any purpose which the branch board may determine to be necessary or expedient in the interests of the Federation or its members.
- (2) Subject to these Regulations and to Federation rules, the national board may use the national fund for any purpose which the national board may determine to be necessary or expedient in the interests of the Federation or its members.
- (3) The Federation funds used by a Federation body must not exceed any maximum amount in respect of any purpose or any specified purpose during any specified period provided for by Federation rules.
- (4) Federation funds must not be used—
- (a) to support a political party or to promote, directly or indirectly, a person’s candidature in any election or any outcome in a referendum;

- (b) to support the candidature of any individual in an election held under these Regulations or Federation rules (but this does not prevent Federation funds being used in respect of the distribution of factual information about a candidate in such an election); or
- (c) to contribute to the funds of a political party, trade union or any other body or organisation, other than one—
  - (i) connected with the police service or its welfare, or
  - (ii) carrying out charitable work for the welfare of others.

### **Trustees of Federation property and funds**

**20.**—(1) Each branch board must appoint in accordance with Federation rules three trustees in whom the branch fund and branch property is to be vested.

(2) The national board must appoint in accordance with Federation rules three persons as trustees (“the national trustees”) in whom the national fund and national property is to be vested.

(3) Federation rules must make provision for the term of office of the national trustees, and the manner in which vacancies among the national trustees are to be filled.

(4) Subject to paragraph (5) where Federation funds are vested in trustees in accordance with this regulation those trustees must not invest the funds or vary any investment except in pursuance of the powers of investment conferred on trustees generally by the Trustee Act 2000<sup>(4)</sup> and in accordance with the directions of the Federation body which appointed them.

(5) Where Federation property or Federation funds are vested in 3 trustees in accordance with this Regulation, any 2 of those trustees are to have the like powers to deal with that property or those funds as they would have had if they had been the sole trustees of the property or funds.

(6) The national fund and property mentioned in paragraph (2) may, at the direction of the national board, be used by way of investment in the building of property, whether to provide office accommodation for the Federation or otherwise.

(7) The national board may, for any of the purposes authorised under these Regulations or Federation Rules, establish a limited company and the Federation property mentioned in paragraph (2) may, at the direction of the national board, be used to establish, administer and fund such a company.

(8) For the purposes of this regulation—

- (a) “branch property” is Federation property which is held by or on behalf of a branch, or in respect of which the branch is the beneficial owner;
- (b) “national property” is Federation property which is not branch property.

### **Accounts**

**21.**—(1) Each branch treasurer must, in relation to Federation funds and property held by or on behalf of the Federation branch, or in respect of which the Federation branch is beneficiary, and in accordance with Federation rules—

- (a) keep accounting records recording—
  - (i) all monies received and paid out by the branch; and
  - (ii) the assets and liabilities of the branch;
- (b) prepare annual accounts for the branch (“branch accounts”) recording the income and expenditure of the branch for each financial year, and the assets and liabilities of the branch at the end of the financial year, and send the branch accounts to the national treasurer.

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(4) 2000 c.29.

- (2) The national treasurer must, in accordance with Federation rules—
  - (a) keep accounting records recording—
    - (i) all monies received and paid out by the Federation; and
    - (ii) the assets and liabilities of the Federation;
  - (b) prepare annual accounts for the Federation (“Federation accounts”) recording—
    - (i) the income, and expenditure of the Federation (including the income and expenditure of the Federation branches), for each financial year; and
    - (ii) the assets and liabilities of the Federation (including the assets and liabilities of the branches of the Federation) at the end of the financial year; and
  - (c) must arrange for the Federation accounts for each year to be audited by an auditor who satisfies the requirements in paragraph (3).
- (3) The auditor must be a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006<sup>(5)</sup> and is not a member or officer of the Federation.
- (4) After the end of each financial year the national treasurer must publish the branch accounts and the Federation accounts for that year, together with a copy of the auditor’s report on the Federation accounts, on the internet and in any other way the national treasurer considers appropriate.
- (5) A branch treasurer must on request send the national treasurer any accounts or information from the accounting records held by a branch treasurer in relation to Federation funds and property held by it specified by the national treasurer in the request.
- (6) The Secretary of State may at any time request from the national treasurer—
  - (a) any Federation accounts;
  - (b) any branch accounts transmitted to the national treasurer by a branch treasurer under paragraph (1).
- (7) A request made under paragraph (5) or (6) must be complied with, so far as is reasonably practicable, within 28 days from the date of the request.

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(5) 2006 c.46.