



# Police Act 1996

## 1996 CHAPTER 16

### PART III

#### POLICE REPRESENTATIVE INSTITUTIONS

#### **59 Police Federations.**

- (1) There shall continue to be a Police Federation for England and Wales and a Police Federation for Scotland for the purpose of representing members of the police forces in those countries respectively in all matters affecting their welfare and efficiency, except for—
  - (a) questions of promotion affecting individuals, and
  - (b) (subject to subsection (2)) questions of discipline affecting individuals.
- (2) A Police Federation may represent a member of a police force at any proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the <sup>M1</sup>Police (Scotland) Act 1967 or on an appeal from any such proceedings.
- (3) Except on an appeal to a police appeals tribunal or as provided by section 84, a member of a police force may only be represented under subsection (2) by another member of a police force.
- (4) The Police Federations shall act through local and central representative bodies.
- (5) The Police Federations and every branch of a Federation shall be entirely independent of, and subject to subsection (6) unassociated with, any body or person outside the police service, but may employ persons outside the police service in an administrative or advisory capacity.
- (6) The Secretary of State—
  - (a) may authorise a Police Federation or a branch of a Federation to be associated with a person or body outside the police service in such cases and manner, and subject to such conditions and restrictions, as he may specify, and
  - (b) may vary or withdraw an authorisation previously given;

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and anything for the time being so authorised shall not be precluded by subsection (5).

(7) This section applies to police cadets as it applies to members of police forces, and references to the police service shall be construed accordingly.

[<sup>F1</sup>(8) For the purposes of subsection (1)—

- (a) the Director General of the National Criminal Intelligence Service and persons within section 9(2)(a) of the Police Act 1997 (former members of police forces) appointed as police members of the National Criminal Intelligence Service, and
- (b) the Director General of the National Crime Squad and persons within section 55(2)(a) of that Act (former members of police forces) appointed as police members of the National Crime Squad,

shall be treated as members of a police force in England and Wales, and references in this section to police service shall be construed accordingly.]

#### Textual Amendments

**F1** S. 59(8) added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 79**; S.I. 1998/354, **art. 2(2)(ay)**

#### Modifications etc. (not altering text)

**C1** S. 59 modified (S.) (temp. from 22.8.1996 to 22.8.1996) and (E.W.) (temp. from 22.8.1996) by virtue of 1996 c. 16, s. 103, **Sch. 8 Pt. III para. 11**; S.I. 1996/2146, **art. 2**

**C2** S. 59(8)(b) extended (15.11.2003) by Police Reform Act 2002 (c. 30), **ss. 91(1), 108(2)**; S.I. 2003/2593, **art. 2(c)**

#### Marginal Citations

**M1** 1967 c. 77.

## 60 Regulations for Police Federations.

(1) The Secretary of State may by regulations—

- (a) prescribe the constitution and proceedings of the Police Federations, or
- (b) authorise the Federations to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—

- (a) with respect to the membership of the Federations;
- (b) with respect to the raising of funds by the Federations by voluntary subscription and the use and management of funds derived from such subscriptions;
- (c) with respect to the manner in which representations may be made by committees or bodies of the Federations to police authorities, chief officers of police and the Secretary of State;
- (d) for the payment by the Secretary of State of expenses incurred in connection with the Federations and for the use by the Federations of premises provided by police authorities for police purposes; and
- (e) for modifying any regulations under the <sup>M2</sup>Police Pensions Act 1976, section 50 above or section 26 of the <sup>M3</sup>Police (Scotland) Act 1967 in relation to any member of a police force who is the secretary or an officer of a Police

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Federation and for requiring the appropriate Federation to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.

[<sup>F2</sup>(2A) For the purposes of paragraphs (c) and (d) of subsection (2)—

- (a) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities, and
- (b) the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad shall be treated as chief officers of police,

and the reference in paragraph (d) of that subsection to “police purposes” shall be construed accordingly.]

- (3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federations.
- (4) Before making any regulations under this section the Secretary of State shall consult the three Central Committees of the Police Federation to which the regulations will relate, sitting together as a Joint Committee.
- (5) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies to police cadets as it applies to members of police forces.

#### Textual Amendments

**F2** S. 60(2A) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 80**; S.I. 1998/354, **art. 2(2)(ay)**

#### Modifications etc. (not altering text)

**C3** S. 60: transfer of certain functions (1.7.1999) by S.I. 1999/1750, **arts. 1, 2, Sch. 1**; S.I. 1998/3178, **art. 3**

#### Marginal Citations

**M2** 1976 c. 35.

**M3** 1967 c. 77.

## 61 The Police Negotiating Board for the United Kingdom.

- (1) There shall continue to be a Police Negotiating Board for the United Kingdom for the consideration by persons representing the interests of—
  - (a) the authorities who between them maintain the police forces in Great Britain and the [<sup>F3</sup>Police Service of Northern Ireland],
  - [<sup>F4</sup>(aa) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;]
  - (b) the persons who are members of those police forces or of [<sup>F5</sup>the Police Service] or are police cadets,

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- [<sup>F6</sup>(ba) the persons who are members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act;]
- (c) the Commissioner of Police of the Metropolis, <sup>F7</sup> . . .
- (d) the Secretary of State, [<sup>F8</sup>and
- (e) the Scottish Ministers,]
- of questions relating to hours of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements.
- (2) The Chairman and any deputy chairman or chairmen of the Board shall be appointed by the Prime Minister [<sup>F9</sup>after consultation with the Scottish Ministers].
- (3) Subject to subsection (2), the Board shall continue to be constituted in accordance with such arrangements, made after consultations between the Secretary of State and organisations representing the interests of the persons referred to in paragraphs [<sup>F10</sup>(a), (b), (c) and (e)] of subsection (1), as appear to the Secretary of State to be satisfactory.
- (4) The Secretary of State may—
- (a) pay to the Chairman and to any deputy chairman or chairmen of the Board such fees as the Secretary of State may, with the approval of the Treasury, determine, and
- (b) defray any expenses incurred by the Board.
- [<sup>F11</sup>(5) The Scottish Ministers may make payments towards the expenses incurred by the Board in relation to the exercise by it of its function in or as regards Scotland.
- <sup>F11</sup>(6) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under subsection (5) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

#### Textual Amendments

- F3** Words in s. 61(1)(a) substituted (4.11.2001) by 2000 c. 32, s. 78, **Sch. 6 para. 12(2)**; S.R. 2001/396, **art. 2, Sch.**
- F4** S. 61(1)(aa) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 81(a)**; S.I. 1997/2390, **art. 2(2)(w)**
- F5** Words in s. 61(1)(b) substituted (4.11.2001) by 2000 c. 32, s. 78, **Sch. 6 para. 12(2)**; S.R. 2001/396, **art. 2, Sch.**
- F6** S. 61(1)(ba) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 81(b)**; S.I. 1997/2390, **art. 2(2)(w)**
- F7** Word in 61(1)(c) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(a)(i)**; S.I. 1998/3178, **art. 3**
- F8** It is provided that s. 61(1)(e) and word “and” immediately preceding it shall be inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(a)(ii)**; S.I. 1998/3178, **art. 3**
- F9** Words in s. 61(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(b)**; S.I. 1998/3178, **art. 3**
- F10** Words in s. 61(3) substituted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(c); S.I. 1998/3178, **art. 3**
- F11** S. 61(5)(6) inserted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(d); S.I. 1998/3178, **art. 3**

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## 62 Functions of the Board with respect to regulations.

(1) Before making—

- (a) regulations under section 50 or 52;
- [<sup>F12</sup>(aa) section 34A of the Police Act 1997;]
- [<sup>F13</sup>(ab) section 79A of the Police Act 1997;]
- <sup>F14</sup>(b) . . . . .
- [<sup>F15</sup>(c) regulations under section 25 of the Police (Northern Ireland) Act 1998;]  
with respect to any of the matters mentioned in section 61(1) (other than pensions), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.

[<sup>F16</sup>(1A) Before making regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables) with respect to any of the matters mentioned in section 61(1) (other than pensions), the Scottish Ministers shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.]

[<sup>F17</sup>(1A) Before determining the terms and conditions on which a person is to be appointed under [<sup>F18</sup>section 9(1)(b) or 55(1)(b)] of the Police Act 1997, the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendation made by the Board.]

[<sup>F19</sup>(1B) Before determining the terms and conditions on which a person is to be appointed under section <sup>F20</sup> . . . 52 of the Police Act 1997, the Secretary of State shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendations made by the Board.]

[<sup>F21</sup>(1C) Before determining the terms and conditions on which the Director General of the National Criminal Intelligence Service is to be appointed, the Secretary of State shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which would, if the person appointed were to be a serving police officer, relate to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendations made by the Board;

and in this subsection “serving police officer” has the same meaning as in section 6 of the Police Act 1997 (c. 50).]

(2) The arrangements referred to in section 61(3) shall regulate the procedure for reaching agreement on a recommendation to be made by the Board for the purposes of subsection (1) [<sup>F22</sup>, (1A) or (1B)] above and shall include provision for arriving at such a recommendation by arbitration in such circumstances as may be determined by or under the arrangements.

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- (3) No regulations relating to pensions shall be made under section 52 above, section 27 of the Police (Scotland) Act 1967 or [<sup>F23</sup>section 25 of the Police (Northern Ireland) Act 1998] except after consultation with the Board.

#### Textual Amendments

- F12** S. 62(1)(aa) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. **90(3)**, 108(2)-(5); S.I. 2002/2306, **art. 2(f)(iv)**
- F13** S. 62(1)(ab) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. **91(3)**, 108(2)-(5); S.I. 2002/2306, **art. 2(f)(iv)**
- F14** S. 62(1)(b) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 124(a)**; S.I. 1998/3178, **art. 3**
- F15** S. 62(1)(c) substituted (9.2.1999) by 1998 c. 32, s. **34(1)**; S.R. 1999/48, **art. 3** (with art. 4)
- F16** S. 62(1A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 124(b)**; S.I. 1998/3178, **art. 3**
- F17** S. 62(1A) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**; S.I. 1997/1930, **art. 2(2)(w)**
- F18** Words in s. 62(1A) substituted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 77(2); S.I. 2002/344, **art. 3(k)**
- F19** S. 62(1B) inserted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 77(3); S.I. 2002/344, **art. 3(k)**
- F20** Words in s. 62(1B) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 107, 108(2)-(5), Sch. 7 para. 16(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(ii)(iii)(c)**
- F21** S. 62(1C) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 107, 108(2)-(5), **Sch. 7 para. 16(3)**; S.I. 2002/2306, **art. 2(g)(ii)**
- F22** Words in s. 62(2) substituted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 77(4); S.I. 2002/344, **art. 3(k)**
- F23** Words in s. 62(3) substituted (9.2.1999) by 1998 c. 32, s. **34(2)**; S.R. 1999/48, **art. 3** (with art. 4)

#### Modifications etc. (not altering text)

- C4** S. 62(2) applied (1.9.2000 with effect from 1.9.1996) by S.I. 1995/215, **reg. 39(1A)** as substituted for s. 39(1) (1.9.2000 with effect from 1.9.1996) by S.I. 2000/2013, **regs. 1(2)(b)**, 3(1)
- C5** S. 62(3) excluded (N.I.) (23.11.2000) by 2000 c. 32, ss. **49(4)**, 79(2) (with Sch. 7 para. 2)

### 63 Police Advisory Boards for England and Wales and for Scotland.

- (1) There shall continue to be a Police Advisory Board for England and Wales and a Police Advisory Board for Scotland for the purpose of advising the Secretary of State on general questions affecting the police in those countries respectively.

[<sup>F24</sup>(1A) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting—

- (a) members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the <sup>M4</sup>Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the <sup>M5</sup>Police (Scotland) Act 1967 or [<sup>F25</sup>section 27 of the Police (Northern Ireland) Act 1998] applies), or
- (b) members of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997.

- (1B) The Police Advisory Board for Scotland shall also advise the Secretary of State on general questions affecting members of the National Criminal Intelligence Service

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*Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Part III. (See end of Document for details)*

engaged on periods of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 applies.]

(2) The constitution and proceedings of each of the Police Advisory Boards shall be such as the Secretary of State may determine after consulting organisations representing the interests of police authorities and of members of police forces and police cadets.

(3) Before making—

(a) regulations under section 50 or 52, other than regulations with respect to any of the matters mentioned in section 61(1), or

<sup>F26</sup>(b) .....

<sup>F27</sup>(c) regulations under section [<sup>F28</sup>34A,] 37, 39, [<sup>F29</sup>79A,] 81 or 83 of the Police Act 1997,<sup>[F30</sup>, or

(d) regulations under Part 2 of the Police Reform Act 2002 (c. 30) ,]]

the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the regulations, and take into consideration any representations made by that Board.

#### Textual Amendments

**F24** S. 63(1A)(1B) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 83(2)**; S.I. 1997/1930, **art. 3(2)(w)**

**F25** Words in s. 63(1A)(a) substituted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(2)**; S.R. 1999/48, **art. 3** (with art. 4)

**F26** S. 63(3)(b) repealed (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 8**; S.I. 2004/913, art. 2(f)(iv)

**F27** S. 63(3)(c) and the preceding “, or,” inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 83(3)**; S.I. 1997/1930, **art. 3(2)(w)**

**F28** Words in s. 63(3)(c) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. {90(5)}, 105(2)-(5); S.I. 2002/2306, **art. 2(f)(iv)**

**F29** Words in s. 63(3)(c) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. {91(5)}, 105(2)-(5); S.I. 2002/2306, **art. 2(f)(iv)**

**F30** S. 63(3)(d) and preceding word inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 105(2)-(5), 107, **Sch. 7 para. 17**; S.I. 2002/2306, **art. 2(g)(ii)**

#### Marginal Citations

**M4** 1967 c. 77.

**M5** 1970 c. 9 (N.I.).

## 64 Membership of trade unions.

(1) Subject to the following provisions of this section, a member of a police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force.

(2) Where a person was a member of a trade union before becoming a member of a police force, he may, with the consent of the chief officer of police, continue to be a member of that union during the time of his service in the police force.

<sup>F31</sup>(3) .....

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- (4) This section applies to police cadets as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- [<sup>F32</sup>(4A) This section applies to members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members) as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4B) In its application by virtue of subsection (4A), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.]
- (5) Nothing in this section applies to membership of the Police Federations, or of any body recognised by the Secretary of State for the purposes of this section as representing members of police forces who are not members of those Federations.

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**Textual Amendments**

**F31** S. 64(3) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 349

**F32** [S. 64\(4A\)\(4B\)](#) inserted (1.4.1998) by [1997 c. 50](#), s. 134(1), [Sch. 9 para. 84](#); [S.I. 1998/354](#), [art. 2\(2\)](#)  
**(bb)**



**Status:**

Point in time view as at 01/04/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Police Act 1996, Part III.