



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

#### CHAPTER 1

##### EMPLOYMENT, ETC.

##### *Police officers*

#### **42 Identity of employer**

- (1) For the purposes of this Part, holding the office of constable is to be treated as employment—
  - (a) by the chief officer, in respect of any act done by the chief officer in relation to a constable or appointment to the office of constable;
  - (b) by the responsible authority, in respect of any act done by the authority in relation to a constable or appointment to the office of constable.
- (2) For the purposes of this Part, holding an appointment as a police cadet is to be treated as employment—
  - (a) by the chief officer, in respect of any act done by the chief officer in relation to a police cadet or appointment as one;
  - (b) by the responsible authority, in respect of any act done by the authority in relation to a police cadet or appointment as one.
- (3) Subsection (1) does not apply to service with the Civil Nuclear Constabulary (as to which, see section 55(2) of the Energy Act 2004).
- (4) Subsection (1) does not apply to a constable at [<sup>F1</sup>NCA][<sup>F2</sup>or SPA].

*Status: Point in time view as at 10/03/2014.*

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- (5) A constable at [F1NCA] or [F3SPA] is to be treated as employed by it, in respect of any act done by it in relation to the constable.
- (6) F4 .....

#### Textual Amendments

- F1** Word in s. 42(4)(5) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 181**; S.I. 2013/1682, art. 3(v)
- F2** Words in s. 42(4) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), 26, **Sch. 2 para. 63(2)(a)**
- F3** Word in s. 42(5) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), 26, **Sch. 2 para. 63(2)(b)**
- F4** S. 42(6) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), 26, **Sch. 2 para. 63(2)(c)**

### 43 Interpretation

- (1) This section applies for the purposes of section 42.
- (2) “Chief officer” means—
- (a) in relation to an appointment under a relevant Act, the chief officer of police for the police force to which the appointment relates;
  - (b) in relation to any other appointment, the person under whose direction and control the body of constables or other persons to which the appointment relates is;
  - (c) in relation to a constable or other person under the direction and control of a chief officer of police, that chief officer of police;
  - (d) in relation to any other constable or any other person, the person under whose direction and control the constable or other person is.
- (3) “Responsible authority” means—
- (a) in relation to an appointment under a relevant Act, the [F5local policing body or police authority] that maintains the police force to which the appointment relates;
  - (b) in relation to any other appointment, the person by whom a person would (if appointed) be paid;
  - (c) in relation to a constable or other person under the direction and control of a chief officer of police, the [F5local policing body or police authority] that maintains the police force for which that chief officer is the chief officer of police;
  - (d) in relation to any other constable or any other person, the person by whom the constable or other person is paid.
- (4) “Police cadet” means a person appointed to undergo training with a view to becoming a constable.

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[<sup>F6</sup>(5) “NCA ” means the National Crime Agency; and a reference to a constable at NCA is a reference to a constable seconded to it to serve as an NCA officer. ]

[<sup>F7</sup>(5A) “ SPA ” means the Scottish Police Authority; and a reference to a constable at SPA is a reference to a constable serving as a member of its staff by virtue of paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012. ]

(7) <sup>F8</sup> .....

(8) For the purposes of this section, the relevant Acts are—

- (a) the Metropolitan Police Act 1829;
- (b) the City of London Police Act 1839;
- (c) the [<sup>F9</sup>Police and Fire Reform (Scotland) Act 2012];

[<sup>F10</sup>(d) the Police Reform and Social Responsibility Act 2011.]

[<sup>F11</sup>(9) Subsections (2) and (3) apply in relation to Scotland as follows—

- (a) a reference to a police authority includes a reference to the Scottish Police Authority;
- (b) a reference to a police force includes a reference to the Police Service of Scotland; and
- (c) a reference to a chief officer of police includes a reference to the chief constable of the Police Service of Scotland.]

#### Textual Amendments

- F5** Words in s. 43(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 99, Sch. 16 para. 382\(a\)](#); S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)}
- F6** S. 43(5) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 182](#); S.I. 2013/1682, art. 3(v)
- F7** S. 43(5A) substituted (1.4.2013) for s. 43(6) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), arts. 1\(2\), 26, Sch. 2 para. 63\(3\)\(a\)](#)
- F8** S. 43(7) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), arts. 1\(2\), 26, Sch. 2 para. 63\(3\)\(b\)](#)
- F9** Words in s. 43(8)(c) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), arts. 1\(2\), 26, Sch. 2 para. 63\(3\)\(c\)](#)
- F10** S. 43(8)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 99, Sch. 16 para. 382\(b\)](#); S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)} (with Sch. 2 para. 80)
- F11** S. 43(9) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\), arts. 1\(2\), 26, Sch. 2 para. 63\(3\)\(d\)](#)

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