

**2004 No. 2660**

**POLICE, ENGLAND AND WALES**

**The Police Federation (Amendment) Regulations 2004**

*Made* - - - - *12th October 2004*

*Laid before Parliament* *14th October 2004*

*Coming into force* - - *5th November 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 60 of the Police Act 1996(a) and after consultation with the three Central Committees of the Police Federation for England and Wales sitting together as a Joint Committee, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Police Federation (Amendment) Regulations 2004 and shall come into force on 5th November 2004.

(2) These Regulations extend to England and Wales.

**Amendment of the Police Federation Regulations 1969**

2. The Police Federation Regulations 1969(b) are amended in accordance with the following regulations.

3. Omit regulation 2(1) (meaning of “division”).

4. In regulation 5(1) (proceedings of branches) omit the words “division or”.

5. For regulation 6 (branch boards) substitute the following regulations—

**“Branch boards: elections**

6.—(1) In each branch of the Federation there shall be constituted, in accordance with this regulation, an inspectors’, a sergeants’ and a constables’ branch board.

(2) Subject to paragraphs (3) and (10), the persons holding the rank of inspector, sergeant or, as the case may be, constable in any police force shall elect from among their number—

(a) nine members to the appropriate branch board, and

(b) where that police force consists of more than 2000 officers, one additional member to the appropriate branch board for every additional 500 officers (or part thereof) in that force.

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(a) 1996 c. 16; section 60 was amended by paragraphs 72 and 80 of Schedule 9 to the Police Act 1997 (c. 50).

(b) S.I. 1969/1781, as amended by S.I. 1971/1498, 1973/706, 1975/1739, 1986/1846, 1989/564, 1990/1575 and 1995/2768.

(3) In the case of any force other than the metropolitan police force, additional members may be elected to a branch board in accordance with rules made by the joint branch board with the approval of the chief officer.

(4) Subject to paragraph (5), for the purposes of elections under this regulation (other than the reserved women's seat) in any force, each member of a branch board shall be elected in respect of an electoral constituency, and the area or other defining characteristic of each electoral constituency shall be as determined in rules made by—

- (a) in the case of the metropolitan police force, the Joint Executive Committee with the approval of the Commissioner of Police of the Metropolis, and
- (b) in any other case, the joint branch board with the approval of the chief officer.

(5) The number of electoral constituencies shall be equal to the number of members to be elected to each branch board under paragraphs (2) and (3), and each member of a board shall represent one constituency only.

(6) A person may vote and stand as candidate—

- (a) where an electoral constituency is defined by reference to a geographical area, only in the constituency in which his usual place of duty is situated;
- (b) where an electoral constituency is defined by reference to a specialist branch, only if he belongs to that specialist branch;

and no person may vote or stand as a candidate in more than one constituency.

(7) For the purposes of paragraph (2), the number of officers in a force shall be determined as the total number of officers in that force on 31 December in the year preceding the year in which the election is held.

(8) Any rules made under paragraph (3) and the electoral constituencies to be determined under paragraph (4) shall—

- (a) be determined within six months of the coming into force of the Police Federation (Amendment) Regulations 2004; and
- (b) in respect of any election, be amended not later than six months prior to the holding of that election.

(9) In a case where approval as to the determination of the electoral constituencies under paragraph (4)(a) or (b) is not obtained, the Joint Executive Committee or, as the case may be, joint branch board may refer the matter to the Secretary of State for final determination.

(10) In the case of the metropolitan police force, the Joint Executive Committee, may with the approval of the Commissioner of Police for the Metropolis and provided that the requirements of paragraph (11) are met, make rules determining—

- (a) the timing of elections;
- (b) the number of representatives on the inspectors', sergeants' or constables' branch board (in addition to the reserved women's seat), which number may be greater or lesser than that determined under paragraph (2);

and in such a case paragraphs (2) to (9) shall not apply in relation to the metropolitan police force for so long as the rules remain in force.

(11) Any rules made under paragraph (10) shall—

- (a) provide that the first elections to be held under that agreement shall take place in the same year as elections would be required to be held under paragraph (15) and in every third year thereafter;
- (b) be capable of being terminated by either the Joint Executive Committee or the Commissioner of Police for the Metropolis giving to the other not less than twelve months' notice;
- (c) make provision for the election of members pursuant to paragraphs (12) and (13).

(12) The members holding the rank of inspector, sergeant or, as the case may be, constable in a police force shall elect one member of the appropriate branch board from

among the women holding those ranks in the force, except any who have sought election under paragraph (2), (3) or (10).

(13) The police cadets undergoing training with a view to becoming members of a police force may elect, from among their number, one member of the constables' branch board; but, where they do not so elect a member, they shall designate to represent their interests a member of the constables' branch board elected in accordance with the preceding provisions of this regulation.

(14) Schedule 3 shall have effect in relation to a branch board, so however that in any election thereto—

- (a) if only one person is qualified to take part therein, that person shall be deemed to be elected;
- (b) if only two persons are qualified to take part therein, subject to any agreement to the contrary between them, the senior of those two shall be deemed to be elected.

(15) Elections for the purposes of this regulation shall be held at any time in 2004 and in every third year thereafter.

(16) In any branch of the Federation the elections which are required to be held by this regulation shall be held on the same day.

### **Branch boards: membership**

**6A.**—(1) A person becoming a member of a branch board shall, subject to any rules made under paragraph 5(1)(b) of Schedule 3, become such on the first day of the month following that in which elections are held under this regulation and, subject to paragraph (3), shall remain a member until the end of the month in which the next following elections are held under this regulation.

(2) A person who was a member of a branch board immediately before 31st December 2003 shall, subject to paragraph (3), remain a member until the end of the month in which elections are first held after that date.

(3) A person shall cease to be a member of an inspectors', sergeants' or constables' branch board if he is removed from office in accordance with Schedule 6, or if—

- (a) he ceases to hold the rank of inspector, sergeant or, as the case may be, constable;
- (b) he ceases to be a member of the police force or, in the case of a police cadet, ceases to undergo training with a view to becoming such a member; or
- (c) in the case of a person elected in accordance with regulation 6(2), he ceases to belong to the electoral constituency for which he was elected.

(4) Where a member of a joint branch board (or, in the case of the metropolitan police force, the Joint Executive Committee) has been chosen as the secretary thereof he shall, by virtue of this paragraph and without prejudice to the filling of the casual vacancy, become an additional member of the appropriate branch board (or, in the case of the metropolitan police force, the Joint Executive Committee) and shall remain such until the end of the month in which elections are first held under this regulation following the date on which he ceases to hold that office.

(5) Where a member of a branch board has been elected as a member of the inspectors', sergeants' or, as the case may be, constables' Central Committee he shall, by virtue of this paragraph and without prejudice to the filling of the casual vacancy, become an additional member of that board (or, in the case of the metropolitan police force, the executive committee of that board) and, subject to paragraph (3), shall remain such until he ceases to hold the office in question.

### **Metropolitan Police Force**

**6B.**—(1) In the metropolitan police force there shall be constituted, in accordance with this regulation, a Joint Executive Committee.

(2) Each branch board of the metropolitan police force shall establish an executive committee consisting of the chairman, vice-chairman, secretary and deputy secretary of that board, and any member of the inspectors', sergeants' or, as the case may be, constables' Central Committee, the woman member elected to the reserve vacancy, and seven other members of that board.

(3) The three executive committees of the branch boards shall sit together as the Joint Executive Committee."

**6. For regulation 7(3) (proceedings of branch boards) substitute–**

"(3) In each branch of the Federation except the metropolitan police force branch, the three branch boards shall sit together as a joint branch board to discuss matters of common interest."

**7. In regulation 8 (liaison committees)–**

**(a) for paragraph (1) substitute–**

"(1) In each branch of the Federation there shall be constituted, by the constables' branch board and in accordance with this regulation, a liaison committee to represent the women members of the branch holding the rank of constable and consisting of a representative from each electoral constituency (as determined under regulation 6(4)) of the force to which such members belong elected by the members of the branch belonging to that electoral constituency.";

**(b) for paragraph (8)(a) substitute–**

"(7) A person shall cease to be a member of a liaison committee if he is removed from office in accordance with Schedule 6.

(8) In each workplace within each police force the persons holding the rank of constable and sergeant shall each elect from among their number a workplace representative.

(9) Within the metropolitan police force there shall, with the approval of the Commissioner of Police of the Metropolis, be established by the constables' or, as the case may be, sergeants' branch board such liaison committees consisting of members elected as workplace representatives under paragraph (8) as appear to them be expedient, and paragraphs (4) to (7) shall apply to such a committee.

(10) In this regulation, "workplace" means any premises at which 20 or more constables or, as the case may be, sergeants have their usual place of duty, and in relation to the metropolitan police, this definition may be modified by agreement of the Joint Executive Committee and the Commissioner of Police of the Metropolis.

(11) For the purposes of an election under paragraph (8), in the case of a constable or sergeant at whose usual place of duty there are fewer than 20 persons of his rank, those premises shall be combined with the nearest workplace in that force.

(12) Where more than 150 constables have their usual place of duty at a particular workplace, those constables may elect from among their number an additional workplace representative for every 150 constables (or part thereof) at that workplace."

**8. In regulation 9 (central conferences)–**

**(a) in paragraph (2) for the words "regulation 6(5)" substitute "regulation 6(12)";**

**(b) after paragraph (7) insert the following paragraphs–**

"(8) Where a person has been elected as a member of the inspectors', sergeants' or, as the case may be, constables' central committee, he shall, by virtue of this paragraph and without prejudice to the filling of the casual vacancy, become an additional delegate to the central conference for his rank and, subject to paragraph (10), shall remain such until he ceases to hold the office in question.

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**(a)** Paragraph (8) of regulation 8 was inserted by regulation 4 of S.I. 1986/1846 but was incorrectly numbered as there was no paragraph (7).

(9) A person who is a delegate by reason of paragraph (8) shall be entitled to address a conference but shall not be entitled to vote other than in an election of members of the central committee of his rank.

(10) A person shall cease to be a delegate under paragraph (8) if he is removed from office in accordance with Schedule 6, or if–

- (a) he ceases to hold the rank of inspector, sergeant or, as the case may be, constable; or
- (b) he ceases to be a member of the police force or, in the case of a police cadet, ceases to undergo training with a view to becoming such a member.”

**9.** For regulation 10(2) (proceedings of central conferences) substitute–

“(2) The three central conferences shall sit together for the purpose of discussing matters of common interest.”

**10.** For regulation 12(2) (central committees) substitute–

“(2) A member elected under paragraph (1A)(a) or (b) must not, and the member elected under paragraph (1A)(c) must, be either a woman elected as a delegate under regulation 9(3) or be an additional delegate under regulation 9(8) having been elected as a member of the inspectors’, sergeants’ or, as the case may be, constables’ central committee under paragraph (1A)(c).”

**11.** In regulation 13 (proceedings of central committees)–

(a) for paragraph (2) substitute–

“(2) The three central committees shall sit together to discuss matters of common interest.”;

(b) in paragraph (5) for the words “, the joint central committee or a joint committee of any two central committees” substitute “or the joint central committee”;

(c) in paragraph (6) for the words “, the joint central committee and a joint committee of any two central committees” substitute “and the joint central committee”.

**12.** In regulation 16(2) (subscriptions etc.) after the words “branch boards” insert “(or, where there is no such branch board, in such manner as the joint central committee shall determine)”.

**13.** For regulation 18(3) (accounts) substitute–

“(3) The independent auditor shall be a person who is eligible under Part II of the Companies Act 1989(a) for appointment as a company auditor.”

**14.** In regulation 20 (trustees of Federation property and funds)–

(a) in paragraph (3)–

(i) before the words “Where any Federation funds” insert “Subject to paragraph (5)”; and

(ii) for the words “the Trustee Investments Act 1961” substitute “the Trustee Act 2000(b)”; and

(b) after paragraph (4) insert–

“(5) Federation property and funds held by the joint central committee may, at the direction of the joint central committee, be used by way of investment in the building of property, whether to provide office accommodation for the Federation or otherwise.

(6) The joint central committee may, for any of the purposes authorised under these regulations or Federation Rules, establish a limited company and Federation property and funds held by the joint central committee may, at the direction of the joint central committee, be used to establish, administer and fund such a company.”

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(a) 1989 c. 40.  
(b) 2000 c. 29.

**15.** In paragraph 1 of Schedule 2–

- (a) omit the words “division or”;
- (b) for the words “, the joint central committee and a joint committee of any two central committees” substitute “and the joint central committee”.

**16.** In paragraph 2 of Part I of Schedule 4–

- (a) in sub-paragraph (a) for the word “division” substitute “constituency”;
- (b) in sub-paragraph (b) for the words “delegates from the criminal investigation department” substitute “other delegates”.

**17.** For Schedule 6 substitute the Schedule to these Regulations.

Home Office  
12th October 2004

*Hazel Blears*  
Minister of State

## SCHEDULE

Regulation 17

### “SCHEDULE 6

Regulation 6A

#### REMOVAL FROM OFFICE

1. This Schedule shall apply in relation to the removal from office of a member, or the removal from a specified post, of any of the following bodies (hereafter in this Schedule referred to as “specified bodies”)–

- any branch board;
- any liaison committee;
- the conferences arrangements committee;
- each central committee;
- the Joint Executive Committee;

and the expression “any branch board” shall include, otherwise than in relation to the metropolitan police, the joint branch board, and the expression “each central committee” shall include the joint central committee.

2. A motion for the removal from office or a specified post of a person under this Schedule shall be sent to the secretary of the specified body in question (or, if the person who is the subject of the motion is the secretary, to the chairman) and shall–

- (a) be signed by at least one third of those who are for the time being qualified to elect the person in question (“the electorate”); and
- (b) contain a statement of the grounds on which those signing the motion consider that the person should be removed from office or, as the case may be, post.

3. On receipt of a motion in accordance with paragraph 2, the secretary (or, if the person who is the subject of the motion is the secretary, the chairman) shall forthwith send a copy thereof to the person in question and invite him to supply in writing, within 14 days, his comments thereon.

4. At the expiry of the said 14 days, the secretary (or, if the person who is the subject of the motion is the secretary, the chairman) shall send a copy of the motion, and the comments, if any, thereon of the person in question, to each member of the electorate and shall arrange for the members of the electorate to vote on the motion.

5. If a majority of the members of the electorate voting thereon vote in favour of the motion the person in question shall cease to be a member of the specified body in question, or, if the motion is to remove the person from a specified post, shall cease to hold that specified post.

6. An election shall forthwith be held to fill any vacancy created by the removal of a person under this Schedule, and a person so removed shall be entitled to be a candidate for office (or, as the case may be, for that post) at such an election.

7. A “specified post” for the purpose of this Schedule shall be the secretary and chairman of a specified body together with, in the case of the joint central committee, the treasurer, and, in the case of the Joint Executive Committee, the treasurer, vice-chairman, deputy secretary and deputy treasurer.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Police Federation Regulations 1969 (“the 1969 Regulations”).

In particular, regulation 5 makes new provision for the constitution of branch boards (which respectively provide representation for the ranks of inspector, sergeant and constable). In consequence of the abolition of divisions within police forces, branch boards will now be structured on the basis of the relative strength of each force. Members of the boards will represent geographical or sectoral constituencies. Members of the boards who also sit on their rank’s central committee (a body elected from among the branch board members) will be treated as additional members on their rank branch board, creating an additional vacancy on their branch board.

Regulation 5 also inserts a new regulation 6B into the 1969 Regulations, creating a Joint Executive Committee within the metropolitan police. This body is broadly equivalent to a joint branch board in other forces.

Regulation 6 provides that the three branch boards are to be required to sit together as a joint branch board for the purpose of discussing matters of common interest (rather than allowing discretion to do so).

Regulation 7 provides for the election of workplace representatives in the rank of constable and sergeant for each force.

Regulation 8 provides that all members of a rank’s central committee shall become additional members of the central conference for that rank.

Regulation 9 provides that the three central conferences are to be required to sit together for the purpose of discussing matters of common interest (rather than allowing discretion to do so).

Regulation 10 provides that candidates for the woman member’s reserved seat on a central committee must be either a reserve seat delegate on the central conference or someone who has become an additional delegate, having previously been elected as a reserve seat delegate.

Regulation 12 makes provision for the collection of voluntary subscriptions where there is no branch board for the members in question. This will cover seconded members and members of the National Crime Squad and National Criminal Intelligence Service.

Regulations 13 and 14 make provision in relation to the Police Federation’s auditors and the investment of its funds.

Regulation 16 and the Schedule to these Regulations substitute a new Schedule 6 into the 1969 Regulations, so as to provide that the statutory provisions on removal from office apply not only to the removal of a member from certain specified bodies but also to the removal of a person from a particular post in those bodies (in circumstances where that person nevertheless remains a member of that body).

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